

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIRA MORI, YOSHIAKI HEINOUCI
and YUKIO SAKASHITA

Appeal No. 1998-2871
Application No. 08/565,989

ON BRIEF

Before THOMAS, HAIRSTON, and RUGGIERO, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20.

The disclosed invention relates to protective members that surround an oscillator of an oscillation gyroscope to prevent displacement of the oscillator that may plastically deform support members for the oscillator.

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Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An oscillation gyroscope comprising:

an oscillator having at least two node points;

at least two support members for supporting the oscillator close to the node points thereof, respectively; and

protective members disposed surrounding a periphery of the oscillator for preventing displacement of the oscillator so that the support members are not plastically deformed.

The references relied on by the examiner are:

Choffat 1972	3,678,309	July 18,
Nakamura et al. (Nakamura) 1994	5,345,822	Sept. 13,
Kasanami et al. (Kasanami) 1994	5,349,857	Sept. 27,
Nakamura et al. (Nakamura) 1996	5,497,044	Mar. 5,

(effective filing date Dec. 16,
1993)

Claims 1 through 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kasanami, Nakamura '822 or Nakamura '044 in view of Choffat.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

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The obviousness rejection of claims 1 through 20 is reversed.

The examiner's rejection states (Answer, page 3):

Kasamani [sic, Kasanami] (figs. 24-27), Nakamura (044) (figs. 4-7) and Nakamura (822) teach the oscillating gyroscope except for protective members surrounding the oscillator to prevent breakage due to over-stress of the element. However, Choffat explicitly teaches providing protective members, shaped to the oscillator, for preventing over-stress of the element. Thus, for at least this reason, it would have been obvious to one of ordinary skill in the art to provide protective members to Kasanami or Nakamura (822) or (044).

Appellants argue (Brief, page 3) that the combination of the primary references along with Choffat would teach away from the claimed invention because Choffat teaches that the vibrating piezoelectric quartz blade "should be suspended, i.e., supported, at only a single nodal point" because supporting the blade "at two nodal points is disadvantageous" (column 1, lines 6 through 20). According to appellants (Brief, pages 3 and 4), the skilled artisan would not have made the combination in light of the teachings of the primary

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KENNETH W. HAIRSTON
Administrative Patent Judge

JOSEPH F. RUGGIERO
Administrative Patent Judge

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APJ HAIRSTON

APJ RUGGIERO

APJ THOMAS

DECISION: REVERSED
Send Reference(s): Yes No
or Translation (s)
Panel Change: Yes No
Index Sheet-2901 Rejection(s):
Prepared: August 14, 2001

Draft Final

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PALM / ACTS 2 / BOOK
DISK (FOIA) / REPORT