

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID D. MURESAN and DAVID MURESAN

Appeal No. 99-0103
Application 08/669,674¹

ON BRIEF

Before MEISTER, McQUADE, and CRAWFORD, Administrative Patent Judges.

McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

David D. Muresan et al. appeal from the final rejection of claim 1, the only claim pending in the application.²

¹ Application for patent filed May 24, 1996.

² Claim 1 has been amended subsequent to final rejection.

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The appellants submit that the subject matter recited in claim 1 would not have been obvious within the meaning of 35 U.S.C. § 103(a) in view of the Lahti reference because Lahti's lamp is installed in an aperture in the ceiling, Lahti's springs are supported on ceiling sheetrock rather than a ceiling frame and Lahti's lamp is not a chandelier having an elegant upper end below the ceiling (see pages 1 and 2 in the appellants' brief filed March 6, 1998, Paper No. 9⁴). These arguments are not convincing, however, because they are not commensurate with the relatively broad scope of claim 1. In this regard, claim 1 does not require the spring recited therein to be supported on a ceiling frame or the lamp recited therein to be a chandelier having an elegant upper end below the ceiling. In the same vein, claim 1 does not exclude the spring recited therein from being supported on sheetrock or the lamp recited therein from being installed in an aperture in the ceiling.

⁴The brief filed April 3, 1998, Paper No. 13, is a copy of the above mentioned brief. The brief filed May 1, 1998, Paper No. 14, has been refused entry by the examiner (see the advisory letter mailed May 20, 1998) and thus has not been considered in our review of the appealed rejection.

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Since the position taken by the appellants on appeal is not persuasive of any error in the examiner's conclusion of obviousness, we shall sustain the standing 35 U.S.C. § 103(a) rejection of claim 1.

The decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JAMES M. MEISTER)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JOHN P. McQUADE)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
MURRIEL E. CRAWFORD)	
Administrative Patent Judge)	

JPM/pgg

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