

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ANATOLE J. SIPIN

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Appeal No. 2000-1219  
Application No. 08/905,910

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ON BRIEF

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Before PATE, STAAB, and MCQUADE, Administrative Patent Judges.  
PATE, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claim 12. Claim 11, the only other pending claim, has been allowed.

The claimed invention is directed to a continuous fluid injection pump for pumping purge liquid to lubricate the bearings and protect the rotating seals of an implanted rotary blood pump. The invention is characterized by a pumping



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that claim 12 is not anticipated by the disclosure of Handfield. Accordingly, the rejection of claim 12 is reversed. Our reasons follow.

Anticipation under 35 U.S.C. § 102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999)(quoting *Verdegal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 5053)(Fed. Cir.)) *cert. denied*, 484 U.S. 827 (1987). Thus, it is incumbent upon the examiner to find one-to-one correspondence between the claimed subject matter and that disclosed in the structure of Handfield.

We are in agreement with the examiner that Handfield discloses a fluid injection pump having a housing with an inlet, an outlet and a bore, inlet and outlet valves, a piston to reciprocate within the bore and a means to reciprocate the piston through its suction and pressure strokes. With respect to the sliding seal and flexible seal, the examiner states

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that seal 66 in Handfield corresponds to the sliding seal claimed, whereas

O-ring 64 corresponds to the flexible seal. Turning to the flexible seal as claimed in claim 12, we note that the flexible seal is required to be "connected at one end to said piston and at the other end to said housing." As disclosed in Handfield, it is clear that seal 64 slides to and fro on piston 56 and can in no manner be considered to be connected thereto. The examiner argues that there is no precise definition of "what constitutes a 'connection'" and the words of the claim should be given their broadest reasonable interpretation. While we agree that the claim terms should be given their broadest reasonable interpretation, it is clear that seal 64 can in no manner be considered "connected" to piston 56. They are simply two separate members, one moving on the other.

Accordingly, it is our finding that Handfield does not disclose a flexible seal between the sliding seal and the reciprocating means. Therefore, Handfield does not disclose each and every element as set forth in the claim. The rejection of claim 12 is reversed.

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REVERSED

WILLIAM F. PATE, III	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
LAWRENCE J. STAAB	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
JOHN P. MCQUADE	)	
Administrative Patent Judge	)	

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