

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 40

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ATHANASIOS P. MELIOPOULOS  
and  
GEORGE J. COKKINIDES

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Appeal No. 1997-1762  
Application No. 08/270,406

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HEARD: JULY 12, 2000

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Before HAIRSTON, BARRETT, and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

REQUEST FOR REHEARING

Appellants have requested that we reconsider our July 26, 2000 decision wherein we affirmed the rejection of claims 1 through 4 and 11 under the first paragraph of 35 U.S.C. § 112 for lack of enablement because of the "incompatible dimensions between each side of the equation[s 6-1 and 6-2]" (Supplemental Answer, page 3).

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In response to the examiner's lack of enablement rejection, appellants submitted a declaration (paper number 25) executed by Athanasios P. Meliopoulos, an inventor in the subject application. Declarant submitted Carson's Equation (Declaration, pages 2 and 3) as an example of an equation that "appears to have incompatible dimensions but is correct." Declarant did not explain why one side of the equation had a unit of feet while the other side of the equation had the units of hertz and ohm-meters. In view of the lack of a satisfactory explanation by declarant concerning the incompatible dimensions, we decided (Decision, page 6) that:

Declarant's citation of "Carson's Equation" (Declaration, pages 2 and 3) does not shed any light on the incompatible dimensions in the disclosed equation. In view of the lack of a satisfactory explanation by the appellants, the burden still lies with the appellants to provide suitable proofs indicating that the equations are correct and have compatible dimensions.

In order to buttress declarant's position concerning the compatibility between the dimensions in Carson's Equation, appellants have submitted with the request for rehearing an excerpt from The Iowa State University Press entitled "Analysis of Faulted Power Systems" by former Professor of

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Electrical Engineering Paul M. Anderson that shows Carson's Equation with the same units set forth in the declaration. The excerpt from Professor Anderson's work, therefore, corroborates declarant's statement that Carson's Equation is correct in spite of the apparently incompatible dimensions.

It would have been helpful if declarant had explained in the declaration that the number 2160 in Carson's Equation has implied units attached thereto that would cause the cancellation of the hertz and ohm-meters units to yield units of feet on both sides of the equation (Request, page 4). According to appellants (Request, page 6), "units of the numbers 0.3 and 90,000 [in equations 6-1 and 6-2] are 'implied', as any practitioner skilled in the art will understand - just as with Carson's Equation" that will cause the cancellation of some units to yield the same units on both sides of the equations.

Based upon the corroborative evidence, and the additional explanation by appellants (Request, pages 3 through 6), we agree with appellants that Carson's Equation and the equations 6-1 and 6-2 in the application are "examples of apparently 'dimensionally incorrect' equations that are accepted as

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correct" (Request, page 6). In short, appellants have "overcome that portion of the rejection directed to the incompatible dimensions in the equations disclosed by appellants" (Decision, page 6).

Appellants' request that we reconsider our decision has been granted, and our decision is hereby modified to reflect our agreement with the appellants. Accordingly, the affirmance of the rejection of claims 1 through 4 and 11 under the first paragraph of 35 U.S.C. § 112 is withdrawn.

REHEARING  
GRANTED

	)	
KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	)
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
LANCE LEONARD BARRY	)	
Administrative Patent Judge	)	

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KWH:hh

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