

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BHAVESH H. JOSHI and JANARDAN N. SHAH

Appeal No. 97-2726
Application No. 08/296,393¹

ON BRIEF

Before ABRAMS, McQUADE, and NASE, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 9 through 14, which are all of the claims pending in this application.²

We REVERSE.

¹ Application for patent filed August 26, 1994.

² Claim 14 was amended subsequent to the final rejection.

BACKGROUND

The appellants' invention relates to an instrument cluster gauge. An understanding of the invention can be derived from a reading of exemplary claim 9, which appears in the appendix to the appellants' brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Levinson et al. (Levinson)	4,755,053	July 5, 1988
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Quintana (European Patent Application)	497,664 ³	Aug. 5, 1992
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Claims 9, 11 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Quintana.

Claims 10, 12 and 13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Quintana in view of Levinson.

³ In determining the teachings of Quintana, we will rely on the translation provided by the PTO. A copy of the translation is attached for the appellants' convenience.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the final rejection (Paper No. 4, mailed May 21, 1996) and the examiner's answer (Paper No. 11, mailed February 3, 1997) for the examiner's complete reasoning in support of the rejections, and to the appellants' brief (Paper No. 10, filed December 26, 1996) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

Claims 9, 11 and 14

We do not sustain the examiner's rejection of claims 9, 11 and 14 under 35 U.S.C. § 102(b) as being anticipated by Quintana.

To support a rejection of a claim under 35 U.S.C. § 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Independent claims 9 and 14 each recite an instrument cluster gauge comprising, inter alia, a pointer assembly having a bushing and a gauge movement having a cylindrical staff wherein the bushing is mounted on the staff. In addition, independent claims 9 and 14 each recites that the bushing comprises, inter alia, an end and a bore wherein the bore has (1) a beveled portion at the end of the bushing, (2) a clearance portion, (3) a cylindrical main contact portion located closer to the end of the bushing than the clearance portion, and (4) a lead-in portion between the end of the bushing and the cylindrical main contact portion.

Quintana discloses an indicator needle for a dashboard display. As shown in the Figure, the body 2 which supports the pointer has a bore having (1) a beveled first portion, (2) a

second portion located adjacent the beveled first portion, and
(3) a final third portion located adjacent the second portion.

We agree with the appellants' argument (brief, pp. 3-5) that each element of claims 9 and 14 is not found in Quintana. In that regard, it is our opinion that the examiner's dissection (answer, pp. 3-4) of Quintana's beveled first portion so as to be both the claimed beveled portion and the claimed lead-in portion is inappropriate. It is clear to us, that the claimed lead-in portion must be a separate and distinct portion from the claimed beveled portion and such is not taught by Quintana.

For the reasons set forth above, the decision of the examiner to reject independent claims 9 and 14, as well as dependent claim 11, is reversed.

Claims 10, 12 and 13

We have also reviewed the patent to Levinson additionally applied in the rejection of claims 10, 12 and 13 (dependent on claim 9) but find nothing therein which makes up for the deficiency of Quintana discussed above regarding claim 9.

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Accordingly, we cannot sustain the examiner's rejection of
appealed claims 10, 12 and 13 under 35 U.S.C. § 103.

CONCLUSION

To summarize, the decision of the examiner to reject claims 9 through 14 is reversed.

REVERSED

NEAL E. ABRAMS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOHN P. McQUADE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JEFFREY V. NASE)	
Administrative Patent Judge)	

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APPLICATION NO. 08/296,393

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APJ McQUADE

APJ ABRAMS

DECISION: **REVERSED**

Prepared By: Delores A. Lowe

DRAFT TYPED: 02 Jun 98

FINAL TYPED: