

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte WERNER MAACK

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Appeal No. 1997-2850  
Application No. 08/417,505

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ON BRIEF

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Before THOMAS, KRASS, and FRAHM, Administrative Patent Judges.  
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 2 through 8 and 11 through 20. Claims 21 through 23 have been allowed by the examiner.

The invention is directed to a magnetic head disc device. More particularly, an additional housing is used in order to

minimize the deviations in the adjustment of the magnetic head position caused by stresses on the head support. The head support is mounted in the housing and the housing is independently secured to the head disc. The head support is not attached directly to the head disc and this allows the housing and the head support to be secured in separate operations, allowing adjustment of the head support without affecting the securing of the housing to the head disc.

Independent claim 19 is reproduced as follows:

19. A magnetic head disc device, comprising:

a magnetic head disc;

a magnetic head;

a magnetic head support carrying the magnetic head;

a housing for receiving the magnetic head support, said housing being mounted between said head disc and said magnetic head support;

first securing means for securing the magnetic head support only to said housing; and

second securing means, independent of said first securing means, for securing said housing to said head disc independent of said first securing means and without contacting said head support such that (i) said housing is first secured to said head disc with said second securing means and (ii) said head support is secured to said housing with said first securing means and adjustable relative to said housing without effecting the securing of the housing to the head disc.

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The examiner relies on the following references:

Narita 1987	4,658,316	Apr. 14,
Tezuka 1989	4,872,077	Oct. 3,
Japanese Patent 1992 <sup>1</sup> Sugizaki	4-274010	Sep. 30,

Claims 2 through 8 and 11 through 20 stand rejected under 35 U.S.C. 103. As evidence of obviousness, the examiner cites Sugizaki and Narita with regard to claims 2 through 8, 11 through 13 and 18 through 20, adding Tezuka with regard to claims 14 through 17.

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

OPINION

We reverse.

With regard to independent claim 19, the examiner admits [answer-page 5] that Sugizaki "neither discloses the housing is mounted between the head disc and the magnetic head support nor

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<sup>1</sup>Our understanding of the Sugizaki reference is based on an English translation prepared by the United States Patent and Trademark Office, a copy of that translation being attached hereto.

a second securing means as set forth in claim 19." In order to supply the deficiency, the examiner relies on Narita. It is the examiner's contention that Narita discloses, inter alia, a magnetic head device "having a first securing means (2) for securing the magnetic head support (10) only to the housing (3), and a second securing means (20) for securing the housing (3) to the head disc (4) independent of said first securing means (2) and without contacting said head support as recited in claim 19 (figure 3b)" [answer-page 5]. We disagree.

A review of Narita's Figure 3b shows a magnetic head 5 and a rotary cylinder 4 wherein support plate 10 supports the head 5 and is attached, through fixture plate 3, to the rotary cylinder 4 by way of securing means 2. We can agree with the examiner that Narita discloses a first securing means for securing a magnetic head support only to a housing but screw 20 is clearly *not* a "second securing means," as claimed, because screw 20 in Narita is merely an adjustment screw used to pivotally move the supporting plate 10 and definitely does not secure a housing to a head disc. In fact, the adjusting screw 20 fails to secure anything. Thus, Narita does not provide for the admitted deficiencies of Sugizaki.

Even assuming, arguendo, that Narita did disclose a first and second securing means, as alleged by the examiner, it is still not clear why the artisan would have been led to modify Sugizaki in a manner so as to arrive at the instant claimed subject matter nor is it clear how such a modification would be made.

The Tezuka reference, cited by the examiner, in combination with Sugizaki and Narita, against claims 14 through 17, fails to provide the deficiencies, noted supra, with regard to Sugizaki and Narita.

The examiner's decision rejecting claims 2 through 8 and 11 through 20 under 35 U.S.C. 103 is reversed.

REVERSED

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
ERROL A. KRASS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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ERIC FRAHM	)	
Administrative Patent Judge	)	

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