

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte BERTHOLD LANNERT,  
HANS-GERD ECKEL, HORST KOBER  
AND STEFAN BURGER

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Appeal No. 1999-0525  
Application 08/590,859<sup>1</sup>

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ON BRIEF

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Before CALVERT, COHEN and CRAWFORD, Administrative Patent Judges.

COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 2, and 4 through 9. These claims constitute all of the claims remaining in the application.

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<sup>1</sup> Application for patent filed January 24, 1996.

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Appellants' invention pertains to a sealing arrangement.  
An understanding of the invention can be derived from a  
reading of exemplary claim 1, a copy of which appears in the  
APPENDIX to the main brief (Paper No. 20).

As evidence of obviousness, the examiner has applied the  
documents listed below:

Alff 14, 1990	4,948,277	Aug.
Ishiguro 1992	5,133,609	Jul. 28,
Hixson, II 1995	5,476,272	Dec. 19,

The following rejections are before us for review.

Claims 1, 2, 4, 5, 8 and 9 stand rejected under 35 U.S.C.  
§ 103 as being unpatentable over Alff in view of Hixson, II.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103 as

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being unpatentable over Alff in view of Hixson, II, as applied above, further in view of Ishiguro.

The full text of the examiner's rejections and response to the argument presented by appellants appears in the answer (Paper No. 21), while the complete statement of appellants' argument can be found in the main and reply briefs (Paper Nos. 20 and 22).

#### OPINION

In reaching our conclusion on the obviousness issues raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied patents,<sup>2</sup> and the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the

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<sup>2</sup> In our evaluation of the applied references, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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determinations which follow.

We reverse the examiner's respective rejections of appellants' claims. As explained below, we are constrained to reverse these rejections since the applied evidence does not support a conclusion of obviousness under 35 U.S.C. § 103.

Appellants' sole independent claim 1 is drawn to a sealing arrangement comprising, inter alia, a sealing ring comprising a support ring, a first sealing element, a second sealing element, and a multipole ring, with the first and second sealing elements each comprising an elastomeric material and the multipole ring comprising a magnetizable material, and with "said sealing element and said multipole ring being constructed integrally and continuously with one another and being made of a uniform material."

Read in light of the underlying written description in the specification and the showing in the drawing, it is clear

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to us that claim 1, in particular, requires that the sealing element and the multipole ring be a single entity since the element and ring are constructed "integrally" and "continuously with one another", and are "made of a uniform material" (elastomeric and magnetizable material).

Turning to the evidence of obviousness relied upon by the examiner, we find that Alff addresses a rotating seal arrangement that includes a multipolar magnetic ring 22 locked onto a

cylindrical contact surface of an elastomer seal and positioned against a facing thrust surface of the seal (column 1, lines 26 through 30). The ring 22 can be force-fit into the seal or installed by shrinking it and then expanding it (column 2, lines 27 through 33). In our opinion, one having ordinary skill in the art would have readily understood the elastomer seal and magnetic ring of Alff as separate entities, physically engaging one another when assembled.

As to the Hixson, II disclosure, we find that it relates

to a speed sensor ring (column 3, lines 15 through 25) that includes the feature of an annular toothed ring 38 (a magnetic rotor) formed out of a non-metallic molded elastomer material having the same formula as a sealing member 30. The ring 38 can be molded concurrently with the molding of the sealing member 30 using a single elastomer formulation and single mold cavity to produce the sealing member and the toothed ring in a single molding operation. Figure 1 of Hixson, II is described by the patentee as depicting a toothed rotor constituting an integral part of the seal assembly (column 2, lines 42, 43). Once again, it is our viewpoint that one having ordinary skill in the art would have

understood the ring 38 and sealing member 30 of Hixson, II as distinct entities, notwithstanding the teaching that they are concurrently formed from the same material, and in a single molding operation to form the integral arrangement of Fig. 1, for example. As readily discernible from Fig. 1 of Hixson, II, the ring and sealing member are clearly spaced from one another.

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From the above analysis of the examiner's applied prior art, it is evident that there is no teaching or suggestion for a sealing element and a multipole ring constructed "integrally" and "continuously with one another", and "made of a uniform material" (elastomeric and magnetizable material). The patent to Ishiguro is not seen to overcome this deficiency. Since the evidence proffered by the examiner fails to support a conclusion of obviousness relative to the claimed subject matter, the rejections on appeal must be reversed.

In summary, this panel of the board has reversed each of the examiner's rejections under 35 U.S.C. § 103.

The decision of the examiner is reversed.

REVERSED

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IAN A. CALVERT	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
IRWIN CHARLES COHEN	)	
Administrative Patent Judge	)	APPEALS AND
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	)	INTERFERENCES
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