

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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ALEXANDER NUMA LABINSKY (DECEASED), GERALD ALFRED JOHN  
REYNOLDS and JONATHAN HALLIDAY

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Appeal No. 2000-1233  
Application No. 09/040,532

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ON BRIEF

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Before HAIRSTON, KRASS, and DIXON, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This appeal involves claims 2 through 8 and 20 through 25.

The disclosed invention relates to a disk recording system in which relative movement between a recording head and a turntable support is about a rotary air bearing. A damping means is provided for damping the relative movement between the recording head and the turntable support.

Claim 20 is illustrative of the claimed invention, and it reads as follows:

20. A disk recording system comprising:

a recording head;

a turntable for rotatably supporting a disk adjacent said recording head, said turntable being rotatable about a first axis;

a support for supporting one of said turntable and said recording head so as to enable relative movement between said first axis and said recording head, said support including a rotary air bearing, and said rotary air bearing defining a direction for said relative movement; and

rotary movement damping means for damping said relative movement.

The references<sup>1</sup> relied on by the examiner are:

Cheng et al. (Cheng)	4,394,667	July 19, 1983
Watanabe et al. (Watanabe)	4,985,884	Jan. 15, 1991
Christiaens	5,193,084	Mar. 9, 1993
Malissin et al. (Malissin) (French patent application)	2,222,718	Oct. 18, 1974
Williams (European patent application)	0 065 625	Dec. 1, 1982
Sidey (UK patent application)	2 118 720A	Nov. 2, 1983
Kosugi (Japanese patent application)	58-194148	Nov. 12, 1983
Tokunaga (Japanese patent application)	60-179522	Sept. 13, 1985

Claims 2 through 6 and 20 through 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Malissin in view of Watanabe and either Kosugi or Christiaens.

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<sup>1</sup> Copies of the translations of the French patent application and the Japanese patent applications are attached.

Appeal No. 2000-1233  
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Claims 2 through 6 and 20 through 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng in view of Watanabe and either Kosugi or Christiaens.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Malissin in view of Watanabe and either Kosugi or Christiaens in further view of Tokunaga.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng in view of Watanabe and either Kosugi or Christiaens in further view of Tokunaga.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Malissin in view of Watanabe and either Kosugi or Christiaens in further view of either Sidey or Williams.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng in view of Watanabe and either Kosugi or Christiaens in further view of either Sidey or Williams.

Reference is made to the briefs (paper numbers 11, 12 and 15) and the answer (paper number 14) for the respective positions of the appellants and the examiner.

#### OPINION

We have carefully considered the entire record before us, and we will reverse the 35 U.S.C. § 103(a) rejection of claims 2 through 8 and 20 through 25.

According to the examiner (answer, pages 4 and 5), Malissin and Cheng both disclose all of the claimed subject matter set forth in claims 2 through 6 and 20 through 25 except for a rotary air bearing and a damping means. For a damping means, the examiner turns to Watanabe which discloses (column 1, lines 37 through 40; Figures 3 and 4) the use of four liquid-filled dampers 5 for dampening the vibrations of a deck base 6 which supports disk 1. For a rotary air bearing, the

examiner turns to the teachings of either Kosugi or Christiaens. Kosugi discloses (Figures 1 and 2) a pick-up for an optical disk that includes a lens barrel 12 that is held for movement in a radial direction via radial gas bearings 13a through 13d, and Christiaens discloses (Figure 1) a gas bearing 21 that is used in a device for rotating a disk turntable 3 over a frame 1.

In brief, appellants argue (brief, pages 9 through 13; reply brief, pages 2 through 5) that all of the proposed combinations of references fail to set forth a prima facie case of obviousness because Watanabe, Kosugi and Christiaens are all concerned with the turntable, and the axis about which the turntable rotates, and not with the support that enables relative movement between that axis and the recording head.

We agree with appellants' arguments. Although the vibration dampers of Watanabe, and the gas bearings of Kosugi and Christiaens are indeed well known in the art (answer, pages 4 and 5), nothing in the record teaches or would have suggested to one of ordinary skill in the art the relocation of the dampers and bearings to the specifically claimed location that enables relative movement between the noted axis and the recording head. Accordingly, the obviousness rejections of claims 2 through 6 and 20 through 25 are reversed.

The obviousness rejections of claims 7 and 8 are reversed because the spring teachings of Tokunaga, and the capacitive transducer teachings of Sidey and Williams do not cure the noted shortcomings in the teachings of Malissin, Cheng, Watanabe, Kosugi and Christiaens.

#### DECISION

Appeal No. 2000-1233  
Application No. 09/040,532

The decision of the examiner rejecting claims 2 through 8 and 20 through 25 under 35  
U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
ERROL A. KRASS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

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Appeal No. 2000-1233  
Application No. 09/040,532

ALEXANDRIA, VA 22314

# **Letty**

JUDGE HAIRSTON

APPEAL NO. 2000-1233

APPLICATION NO. 09/040,532

APJ HAIRSTON

APJ KRASS

APJ DIXON

DECISION: **REVERSED**

**PREPARED:** Jul 31, 2003

**OB/HD**

**PALM**

**ACTS 2**

**DISK (FOIA)**

**REPORT**

**BOOK**