

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. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DENIS ALAN De SHON

Appeal No. 2002-0589
Application No. 09/604,216

ON BRIEF

Before COHEN, NASE, and BAHR, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claim 1. This claim is the sole claim in the application.

Appellant's invention pertains to a buoyancy engine. A basic understanding of the invention can be derived from a reading of claim 1, a copy of which appears in "APPENDIX A" of the brief (Paper No.7).

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We cannot sustain the anticipation rejection.

Appellant's claim 1 sets forth a buoyancy engine having one or more rings, with a feature being that compressed gases input into a vessel through a compressed gas injector are routed through collectors to direct the gas into gas-holding spaces of the rings. As seen in appellant's Fig. 1, a compressed air injector 7 inputs gas 9 to collectors 6, from which collectors gas is directed into gas-holding spaces 2 of the ring 1.

Anticipation under 35 U.S.C. § 102(b) is established only when a single prior art reference discloses, either expressly or under principles of inherency, each and every element of a claimed invention. See In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990); and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). However, the law of anticipation does not require that the reference teach specifically what an appellant has disclosed and is claiming but only that the claims on appeal "read on" something disclosed in the reference, i.e., all limitations of the claim are found in

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the 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).

The examiner makes findings relative to the applied De Shon reference to support the position that claim 1 is anticipated thereby. Appellant, arguing the appeal *pro se* in the brief, challenges the conclusion of anticipation.

As set forth in the rejection, the examiner references collectors 8, 10 as corresponding to the collectors required by appellant's claim 1 through which gas is routed to direct gas into gas-holding spaces, after being inputted thereto by a compressed gas injector. Simply stated, this panel of the board readily perceives that the teaching of De Shon does not support the examiner's view that elements 8, 10 are collectors as now claimed. In the De Shon reference, element 8 is a system control computer for metering air from an externally powered blower or compressor 7, and element 10 is an injection sensor adjacent to air injectors 9 for triggering air injection as each air holding space is in injection position. Clearly, there are no collectors as claimed, routed downstream of the air injectors 9 of the De Shon patent, to direct gas into gas-holding spaces of a ring.

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Thus, claim 1 does not read on the De Shon patent, and is not anticipated thereby.

In summary, this panel of the board has not sustained the anticipation rejection on appeal.

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JEFFREY V. NASE)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
JENNIFER D. BAHR)	
Administrative Patent Judge)	

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