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for publication and is not binding precedent of the Board.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. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte DAI KARASAWA and KATSAMI FUKASAWA

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Appeal No. 2002-0876
Application No. 09/267,140

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HEARD: 6 March 2003

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Before THOMAS, KRASS, and SMITH, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

**DECISION ON APPEAL**

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1 and 2, which constitute all the claims in the application.

The disclosed invention pertains to a power converter having particular connections to each of a DC positive bus portion and a DC negative bus portion that are connected to corresponding terminals of a DC power source.

Representative claim 1 is reproduced as follows:

1. A power converter, comprising:

a plurality of arms, each arm including series connected first and second switching devices, first and second freewheeling diodes respectively connected in antiparallel with said first and second switching devices, a phase capacitor connected in parallel with the series connected first and second switching devices, and an arm output providing a separate phase voltage for each arm;

a DC power source connected between a DC positive bus and a DC negative bus; and

a filter capacitor connected between said DC positive bus at a DC positive bus connection and said DC negative bus at a DC negative bus connection,

wherein each of said arms is individually connected to said DC positive bus connection and said DC negative bus connection so as to reduce fluctuations in each said separate phase voltage.

The examiner relies on the following reference:

Nishizawa et al. (Nishizawa) 5,132,896 July 21, 1992

The admitted prior art described in appellants' specification.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by the admitted prior art. Claim 2 stands rejected under 35 U.S.C. § 102(b) as being anticipated by the disclosure of Nishizawa. All the examiner's previous rejections under 35 U.S.C. § 103 have been withdrawn by the examiner [answer, page 5].

Rather than repeat the arguments of appellants or the examiner, we make reference to the briefs and the answer for the respective details thereof.

## OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied upon does not support the rejections made by the examiner. Accordingly, we reverse.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

We consider first the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by the admitted prior art. The examiner has indicated how he purports to read the invention of claim 1 on the admitted prior art Figure 3 [answer, pages 3-4]. Appellants argue that the admitted prior art shown in Figure 3 does not disclose the claimed connection of each of the arms being individually connected to a common

connection point so as to reduce fluctuations in each said separate phase voltage [brief, pages 17-18]. The examiner responds that the arms of prior art Figure 3 are connected individually to the positive and negative bus as claimed [answer, page 7]. Appellants respond that claim 1 cannot reasonably be read on Figure 3 of the admitted prior art [reply brief, pages 2-7].

We will not sustain this rejection of claim 1. Although the admitted prior art of Figure 3 might be construed as individually connected in part to the common connection point represented by the point where the capacitor Cf connects to the positive or negative bus, the connections shown in Figure 3 do not reduce fluctuations in each said separate phase voltage as claimed. The description of prior art Figure 3 specifically notes that the connections shown therein create fluctuations in the separate phase voltages. The disclosed invention as shown in Figures 1 or 2 and as claimed in claim 1 requires that each of the arms be individually or separately connected to a common connection point on each of the DC positive bus and the DC negative bus. Prior art Figure 3 does not operate in the manner recited in claim 1, and therefore, does not fully meet the invention of claim 1.

We now consider the rejection of claim 2 as being anticipated by the disclosure of Nishizawa. We note at this point that claim 2 has recitations similar to claim 1, and the disclosure of Nishizawa is essentially the same as the admitted prior art. Therefore, the positions of the examiner and appellants are essentially the same as discussed

above with respect to claim 1. Since the issues with respect to claim 2 are essentially the same as the issues with respect to claim 1, we will not sustain the rejection of claim 2 for essentially the same reasons discussed above with respect to claim 1.

In summary, we have not sustained either of the examiner's rejections of the claims on appeal. Therefore, the decision of the examiner rejecting claims 1 and 2 is reversed.

**REVERSED**

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| JAMES D. THOMAS<br>Administrative Patent Judge | ) |
| ERROL A. KRASS<br>Administrative Patent Judge | ) BOARD OF PATENT APPEALS AND INTERFERENCES |
| JERRY SMITH<br>Administrative Patent Judge | ) |

JS/yrt

Raymond F. Cardillo, Jr., Esq.
OBLON, SPIVAK, McCLELLAND, MAIER
& NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314