

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHIGEMITSU KIZAWA, KOJI SHINDO
and TOSHIYUKI HISATSUNE

Appeal No. 96-0280
Application 08/032,241¹

HEARD: December 9, 1998

Before URYNOWICZ, JERRY SMITH, and TORCZON, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

Decision on Appeal

This appeal is from the final rejection of claims 1-4, all the claims pending in the application.

The invention pertains to a surveillance camera housing assembly. Claim 1 is illustrative and reads as follows:

1. A surveillance television camera housing assembly, comprising:

¹ Application for patent filed March 17, 1993.

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a stationary housing member which houses a surveillance television camera therein, the housing member having a front wall provided with a window which is paned with a glass filter through which the surveillance television camera receives light rays representing the scene of a surveillance zone, the housing member having a flange portion formed at a base portion thereof, the flange portion being arranged to seat against and to be fastened to a fixed structure; and

a single-piece covering member which completely encloses the housing member, the covering member having a front wall provided with an opening which is disposed immediately adjacent to the window of the housing member when the covering member is disposed on the housing member, the covering member covering the housing member so that outer side edges of the flange portion are enclosed and edge portions of an open end portion of the covering member immediately juxtapose the fixed structure in a manner whereby the housing member is totally concealed and the covering member seats flush against the fixed structure.

The reference relied upon by the examiner as evidence of obviousness is:

Stiepel et al. (Stiepel)	5,223,872	Jun. 29,
1993	The appealed claims stand rejected under 35 U.S.C. §	
103 as being unpatentable over Stiepel.		

The respective positions of the examiner and the appellants with regard to the propriety of these rejections are set forth in the final rejection (Paper No. 9) and the examiner's answer (Paper No. 16) and the appellants' brief (Paper No. 15) and reply brief (Paper No. 17).

Appellants' Invention

The invention concerns a camera surveillance structure made to look like a smoke detector or loudspeaker. The structure comprises a housing 3 in which a television camera is enclosed, and a covering member 2 which fits over the housing. The member 2 is formed with an aperture or opening 2c (Figure 2) which exposes a window which forms part of the camera housing and which is covered by a curved glass filter 6. Housing 3 includes flanges 3a formed at a base thereof.

The Prior Art

Stiepel discloses a surveillance camera housing assembly 1 comprising a shroud member 3. A camera 4 is located within the shroud member, which has a light-transmissive view aperture 3c for the camera. The shroud member is mounted within carriage assembly 6 such that it is able to rotate within the assembly about first and second orthogonal axes. A housing 7 fits over the shroud 3.

The Rejection under 35 U.S.C. §103

After consideration of the positions and arguments presented

by both the examiner and the appellants, we have concluded that the rejection should not be sustained. We find that there are differences between the claimed device and Stiepel, and that the modifications necessary to Stiepel to meet the claims have not been established as obvious.

Contrary to the position of the examiner, the edges of slots 3f of shroud 3 of Stiepel, which shroud the examiner considers as the stationary or static housing member of claims 1 and 4, are not flanges in that they clearly do not extend out at essentially right angles to the surface of the shroud. Nor do the edges act as flanges by strengthening the shroud or housing 3, or by acting as a means of attaching the shroud to another part. These edges clearly do not provide the prior function. With respect to the latter function, the edges of mated slots 3f in the shells 3a and 3b of the shroud 3 merely form apertures through which screws 50a and 50b pass. These screws fixedly couple arms 8a and 8b of support member 8 (Figure 5A) to couplings 27 and 28 of mounting member 21 (Figure 2).

The claims define a flange portion or flange at the base of a housing. Housing 3 of Stiepel is a sphere. As such, it has no base. Such being the case, it would not have been obvious to

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modify housing 3 by adding a flange portion at a base portion. Nor has any motivation been shown for modifying housing 3 to a geometric configuration having a base portion, with a flange located thereat.

Appellants' claims require a stationary (claims 1-3) or static (claim 4) housing member. We do not agree with the examiner's position that Stiepel's shroud or housing 3 is stationary with respect to fixed structure 6. This is because shroud 3 rotates. Accordingly, there is rotational movement between shroud 3 and fixed structure 6. Otherwise, the examiner has provided no reason why it would have been obvious to modify Stiepel so as to make shroud 3 stationary.

The claims also require that a covering member totally conceal the housing member. Appellants are correct that covering member 7 of Stiepel does not totally conceal housing member 3 because bottom section 7b is light-transparent. The examiner has set forth no motivation for modifying Stiepel's bottom section so as to totally conceal housing member 3.

In view of the discussion above, the rejection of independent claims 1 and 4 cannot be sustained. Whereas claims 2

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and 3 depend from claim 1, the rejection of these claims will not
be sustained.

REVERSED

STANLEY M. URYNOWICZ)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JERRY SMITH)	
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