

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(2) is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TORBEN FUNDER

Appeal No. 96-1663
Application 08/046,240¹

ON BRIEF

Before KRASS, JERRY SMITH and FLEMING, ***Administrative Patent Judges.***

FLEMING, ***Administrative Patent Judge.***

DECISION ON APPEAL

¹ Application for patent filed April 13, 1993.

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This is a decision on appeal from the final rejection of claims 1 through 6 and 8 through 25, all of the claims pending in the application. Claim 7 has been canceled.

The invention relates to an antenna system having at least two dipole antennas and a method of manufacturing such an antenna system. In particular, Appellant discloses on pages 3 and 4 of the specification that Figure 3 shows the active part of the antennas, including the feed lines which are made by punching or cutting a thick plate of material. On page 3 of the specification, Appellant discloses that arm 7, leg 17 and feed lines 8, 9, 10 and 11 are configured in one piece.

Independent claim 1 is reproduced as follows:

1. An antenna system comprising at least two dipole antennas (6) constituting an antenna module (40) and placed above and parallel to a common, artificial ground plane (5) in the form of an electrically conducting plate, feed lines (8, 9, 10, 11) designed as waveguides with air dielectric from the dipole antennas to a common feeding point (4) and where the dipole antennas each have a pair of dipole arms which are carried by matching legs (17) which can form part of the feed lines, characterized in that the feed lines from each dipole antenna (6) to the common point (4) and at least one dipole

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arm (7) in each dipole antenna and a matching leg (17) are configured mechanically and electrically in one piece of a homogeneous material.

The references relied on by the Examiner are as follows:

Scharlau 1938	2,130,033	Sept. 13,
Watts 1961	2,973,517	Feb. 28,
Kuecken 1961	2,978,703	Apr. 4,

Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Scharlau. Claims 2 through 6, 11 through 15 and 19 through 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Scharlau in view of Watts. Claims 8 through 10, 16 through 18 and 23 through 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Scharlau in view of Watts and Kuecken.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the briefs² and the answer for

² Appellant filed an appeal brief on April 20, 1995. Appellant filed a reply appeal brief on September 20, 1995. The Examiner stated in the Examiner's letter mailed October 17, 1995 that the reply brief has been entered and considered but no further response by the Examiner is deemed necessary.

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the details thereof.

OPINION

After a careful review of the evidence before us, we do not agree with the Examiner that claim 1 is anticipated by Scharlau.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See In re King**, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and **Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.**, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

Appellant argues on pages 13 through 16 of the brief and on pages 3 through 7 of the reply brief that Scharlau fails to teach the Appellant's claimed limitations as required under 35 U.S.C. § 102. In particular, Appellant argues that Scharlau does not teach that "the feed lines from each dipole antenna to the common point and at least one dipole arm in each dipole antenna and a matching leg are configured

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mechanically and electrically in one piece of a homogeneous material" as recited in Appellant's claim 1.

Upon a careful review of Scharlau, we find that when read as a whole, Scharlau teaches that Figures 1 and 2 show a multiple short-wave radiator which is made up of a plurality of individual building blocks. These building blocks must be connected by suitable contact means such as the contact means disclosed in Figure 3. Therefore, we find that Scharlau fails to teach all of the limitations of claim 1, and thereby the claim is not anticipated by Scharlau.

Claims 2 through 6, 11 through 15 and 19 through 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Scharlau in view of Watts. Claims 8 through 10, 16 through 18 and 23 through 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Scharlau in view of Watts and Kuecken. We note

that for these rejections, the Examiner argues that Scharlau teaches that the feed lines form each dipole antenna to a common point and at least one dipole arm in each dipole

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antenna and a matching leg are configured mechanically and electrically in one piece of a homogeneous material. Upon a careful review of Scharlau, Watts and Kuecken, we find that neither of these references teaches nor suggests the above limitations as recited in Appellant's claims, and thereby we will not sustain the Examiner rejection of claims 2 through 6, 8 through 25.

In view of the foregoing, the decision of the Examiner rejecting claims 1 through 6 and 8 through 25 is reversed.

REVERSED

	ERROL A. KRASS)	
	Administrative Patent Judge)	
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)	BOARD OF
PATENT)	
	JERRY SMITH)	APPEALS AND
	Administrative Patent Judge)	
INTERFERENCES)	
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)	
	MICHAEL R. FLEMING)	
	Administrative Patent Judge)	

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