

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 TAMOTSU MAEDA

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Appeal No. 1997-1165  
Application No. 08/217,184

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ON BRIEF

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Before HAIRSTON, KRASS, and BARRETT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 6. After submission of the reply brief, the examiner withdrew the rejection of claims 2 through 4<sup>1</sup>, and instituted

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<sup>1</sup> We assume that the obviousness rejection set forth in the examiner's answer was likewise withdrawn in favor of the

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a new ground of rejection of claims 1, 5, and 6 (supplemental examiner's answer, paper number 14). In an Amendment After Final<sup>2</sup> (paper number 15), claims 2 and 3 were amended, and claim 5 was canceled. Accordingly, claims 1 and 6 remain before us on appeal.

The disclosed invention relates to an optical disk drive wherein holding structure for a spindle motor that drives an optical disk is mounted so that the center axis of vibration of the spindle motor is inclined at an angle relative to the reference scanning line of an optical pickup.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An optical disk drive comprising:

a spindle motor for driving an optical recording disk for rotation, the spindle motor having a center axis;

an optical pickup including an objective lens having an optical axis, the objective lens being movable along a reference scanning line; and

a spindle motor holding structure that holds the spindle motor, the spindle motor holding structure having a center

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new ground of rejection in the supplemental examiner's answer.

<sup>2</sup> The amendment was filed with the supplemental reply brief.

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axis of vibration of the spindle motor inclined at an angle relative to the reference scanning line, the center axis of vibration also being in a plane perpendicular to the center axis of the spindle motor.

The references relied on by the examiner are:

Ohmori et al. (Ohmori)	5,416,762	May 16, 1995
		(filed Apr. 16, 1992)
Maeda et al. (Maeda)	4-229480 <sup>3</sup>	Aug. 18, 1992
(Japanese Patent Application)		

Claims 1 and 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Maeda in view of Ohmori.

Reference is made to the supplemental answer (paper number 14) and the supplemental reply brief (paper number 15) for the respective positions of the appellant and the examiner.

#### OPINION

For all of the reasons expressed by the appellant in the supplemental reply brief, and for the additional reasons set forth infra, the obviousness rejection of claims 1 and 6 is reversed.

Appellant and the examiner both agree that Maeda does not show the center axis of vibration of the spindle motor

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<sup>3</sup> A copy of the translation of this reference is attached.

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inclined at an angle relative to the reference scanning line (supplemental reply brief, page 4; supplemental answer, page 2). In fact, Maeda discloses appellant's admitted prior art (Figures 4 and 5). Ohmori discloses the use of a vibration absorbing material 20a that absorbs vibrations from spindle motor 20 to thereby prevent the occurrence of resonance that would normally occur because of the transmission of vibrations between the motor and chassis (Figure 5; column 6, lines 50 through 63). Thus, we agree with appellant's argument (supplemental reply brief, page 4) that neither of the applied references teaches or would have suggested holding the spindle motor in such a manner that the center axis of vibration of the spindle motor is inclined at an angle relative to the reference scanning line.

In summary, the obviousness rejection of claims 1 and 6 is reversed.

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DECISION

The decision of the examiner rejecting claims 1 and 6  
under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
ERROL A. KRASS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
LEE E. BARRETT	)	
Administrative Patent Judge	)	

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APJ HAIRSTON

APJ BARRETT

APJ KRASS

DECISION: REVERSED  
Send Reference(s): Yes No  
or Translation (s)  
Panel Change: Yes No  
Index Sheet-2901 Rejection(s):

Prepared: July 15, 2002

Draft                  Final

3 MEM. CONF.    Y                  N

OB/HD                  GAU

PALM / ACTS 2 / BOOK  
DISK (FOIA) / REPORT