

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(2) is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MEHRDAD TEIMORZADEH
and JOHN B. HUSS

Appeal No. 1998-1086
Application No. 08/513,106

ON BRIEF

Before HAIRSTON, JERRY SMITH and BLANKENSHIP, Administrative
Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 4,
6,
8 through 10, 16 and 18 through 20.

The disclosed invention relates to a transformer in which
two of the windings are mechanically and electrically coupled

Appeal No. 1998-1086
Application No. 08/513,106

with a fastener to form a center tap.

Appeal No. 1998-1086
Application No. 08/513,106

Claim 4 is illustrative of the claimed invention, and it reads as follows:

4. A transformer comprising:

a first winding comprising a coil portion with a substantially closed cross section, said coil portion comprising metal of sufficient thickness to hold said substantially closed cross section with no external force;

a second winding having a coil portion thereof wound around said coil portion of said first winding;

a third winding comprising a coil portion with a substantially closed cross section, said coil portion comprising metal of sufficient thickness to hold said substantially closed cross section with no external force, wherein said coil portion is disposed about said coil portion of said second winding;

wherein said first winding and said third winding are mechanically and electrically coupled with a fastener which forms a center tap.

The references relied on by the examiner are:

Charpentier 1979	4,176,335	Nov. 27,
Brodzik et al. (Brodzik) 31, 1988	4,748,405	May

Claims 4, 6, 8 through 10, 16 and 18 through 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Charpentier in view of Brodzik.

Appeal No. 1998-1086
Application No. 08/513,106

Reference is made to the brief and the answer for the
respective positions of the appellants and the examiner.

OPINION

The obviousness rejection of claims 4, 6, 8 through 10, 16 and 18 through 20 is reversed.

The examiner is of the opinion (Answer, page 3) that "[s]ince the center tap is effected by connecting lead metal strips 2B and 2A together in Charpentier, it would have been obvious to effect this connection by using a fastener or screw which is notoriously old as shown by Brodzik et al at 78B." According to the examiner (Answer, page 5), "[c]ommon sense and common knowledge of a person of ordinary skill in the art suggest that a fastener could be used to make the connections of terminals 2A and 2B of Charpentier; such a connection produces mechanical coupling of the connected windings."

Charpentier expressly states that the center-tap terminals 2A and 2B are electrically connected, but does not state how this electrical connection is made (column 6, lines 19 through 21; Figure 4). Brodzik uses mounting pin 78b to secure coupling lug 58b and metal strip 44b to mounting connector block 32 (column 3, line 67 through column 4, line 7; Figures 2 and 3).

Appeal No. 1998-1086
Application No. 08/513,106

Appeal No. 1998-1086
Application No. 08/513,106

Appellants argue (Brief, pages 4 and 5) that:

First, please refer to the embodiment of Figures 1, 2 and 3 in Charpentier. Specifically in Figure 2, it can be seen that leads 2A and 2B are configured in such a manner that they cannot possibly be brought together and fastened to one another with a fastener. Thus, despite the so-called "notorious" nature of screw fasteners as shown by Brodzik et al., no screw or any other fastener could fasten leads 2A and 2B together. Thus, there is no motivation to combine Brodzik et al. with Charpentier and even if there were such motivation, the combination would not yield an apparatus according to any of the appealed claims in the present application.

Next, please refer to the embodiment of Figure 1D in Charpentier. In this embodiment, leads 2A and 2B each have a radius, because they are parts of structures formed by rolling strips of metal. Due to leads 2A and 2B having such radii, they are clearly not intended to be bent (lead 2A downward and lead 2B upward) to be fastened to one another. Again, then, the so-called "notorious" nature of a screw fastener in Brodzik et al. is not relevant. There is no motivation to use such a fastener in Charpentier.

We agree with appellants' arguments. The obviousness rejection of claims 4, 6, 8 through 10, 16 and 18 through 20 is, therefore, reversed because the examiner has not presented evidence or a convincing line of reasoning for using a fastener to mechanically and electrically couple the terminals 2A and

Appeal No. 1998-1086
Application No. 08/513,106

2B in Charpentier.

Appeal No. 1998-1086
Application No. 08/513,106

DECISION

The decision of the examiner rejecting claims 4, 6, 8 through 10, 16 and 18 through 20 under 35 U.S.C. § 103 is reversed.

REVERSED

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KENNETH W. HAIRSTON))
Administrative Patent Judge)	
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)	BOARD OF PATENT
JERRY SMITH)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	

KWH:hh

Appeal No. 1998-1086
Application No. 08/513,106

MARK S. SPARSCHU
FORD MOTOR COMPANY
ONE PARKLANE BLVD.
911 EAST PARKLANE TOWERS
DEARBORN, MI 48126