

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT L. ARRIS, FRED O. STEPHENS,
CHARLES L. HUNTER, and JONATHAN D. BASSETT

Appeal No. 1998-2501
Application No. 08/534,149

ON BRIEF

Before KRASS, HECKER, and BARRY, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claim 15. The examiner indicated in the answer that claims 16 through 18 are now considered to be directed to allowable subject matter.

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The invention is directed to a cartridge tape door opening apparatus best illustrated by reference to claim 15 reproduced as follows:

15. An apparatus for opening a door in a tape cartridge, the door covering an opening in an edge wall of the tape cartridge, the door having a rear edge, the apparatus mounted in a tape drive, the tape drive including a chassis and a magnetic head, the apparatus comprising:

a rotating arm rotatably attached to the chassis such that the rotating arm is free to rotate in an arc and the rotating arm having a door engaging end; and the door engaging end positioned so that when a tape cartridge is inserted into the tape drive in a direction transverse to the edge wall with the edge wall moving towards the magnetic head, the rear edge of the door is forced against the door engaging end of the rotating arm, forcing the door open.

The examiner relies on the following reference:

Kukreja et al. [Kukreja] 5,109,308 Apr. 28 1992

Claim 15 stands rejected under 35 U.S.C. § 102(b) as anticipated by Kukreja.

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

OPINION

We reverse.

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Applying Kukreja to claim 15, taking Figure 1 of Kukreja for example, it is seen that the reference does disclose an apparatus for opening a door 26 in a tape cartridge 20 with the door having a rear edge. The cartridge is inserted to be mounted in a tape drive 10. The tape drive clearly has a chassis and a magnetic head. The Kukreja apparatus also has a rotating arm (lever 402 of door opening mechanism 360, best shown in Figure 11b), and the arm is rotatably mounted to the chassis through pivot pin 404 such that the rotating arm is free to move in an arc. The rotating arm also has a door engaging end (foot portion 409 and toe portion 410) and this door engaging end is positioned so that when the cartridge is inserted into the tape drive, the rear edge of the door is forced against the door engaging end of the rotating arm, forcing the door open. We also note that Kukreja does show the door 26 covering an opening in an edge wall of the tape cartridge and a reasonable interpretation would be that when the tape cartridge is inserted into the tape drive, the edge wall is, indeed, "moving toward the magnetic head," as claimed.

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Nevertheless, we will not sustain the rejection of claim 15 under 35 U.S.C. 102(b) in view of Kukreja because anticipation requires a single prior art reference to disclose, 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 Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Assoc. Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

Instant claim 15 sets forth that the door engaging end and the rear edge of the door interact to force the door open when the tape cartridge is inserted into the tape drive "in a direction transverse to the edge wall." It is clear from Figure 1 of Kukreja that the direction of insertion of the cartridge into the tape drive is parallel, and not transverse to, the edge wall of the cartridge in which the door, 26, covering the opening of the cartridge is located. The examiner contends that the opening 24 of Kukreja is defined by many edge walls of which only two are not transverse to the

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direction of insertion and that the two edge walls that are not transverse are the two edge walls that are parallel to the direction of insertion. The examiner is correct in the assertion that only two edge walls of the cartridge are not transverse to the direction of insertion and that these edge walls are the ones parallel to the direction of insertion. However, the edge wall on which the opening covered by the door is located is, indeed, one of those parallel edge walls in Kukreja. Accordingly, Kukreja does not anticipate the subject matter of instant claim 15.

We note that Kukreja does not even suggest any modification or alternative location for the door but, rather, discloses only an end-loaded type of cartridge so Kukreja does not appear even to contemplate the instant claimed subject matter.

The examiner's decision rejecting claim 15 under 35 U.S.C.

§ 102(b) is reversed.

REVERSED

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