

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOEL V. RISCH

Appeal No. 1998-3061
Application No. 08/638,903

ON BRIEF

Before KRASS, LALL, and DIXON, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-13, all of the pending claims.

The invention pertains to a measuring device for a chain saw. A non-expanding light beam is used in conjunction with

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the chain saw in order to assist in the placement of the cutting element a predetermined distance from the end of a log. The light beam element, such as a laser, is mounted to the chain saw at a preselected angle relative to the cutting plane. When the beam of light is on the end of the log or cutting piece and the cut is made normal to the log, each cut section is of equal length.

Representative independent claim 1 is reproduced as follows:

1. A saw for cutting logs to preselected lengths, comprising:
power-driven cutting means operable for cutting a log in a cutting plane;
support means to which said cutting means are mounted; and
a light source secured to said support means, for emitting a substantially non-expanding light beam at a preselected angle relative to said cutting means.

The examiner relies on the following references:

Brock	4,319,404	Mar. 16, 1982
Chien	5,437,104	Aug. 01, 1995

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Claims 1-13 stand rejected under 35 U.S.C. 103 as unpatentable over Brock in view of Chien.

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

OPINION

The examiner combines Brock, dealing with a sight alignment for a chain saw, with Chien, dealing with a laser sight for a camera to help in a focusing function.

We agree with appellant that these two references deal with nonanalogous arts and are, therefore, not properly combinable. Chien, dealing with the camera arts, is clearly not within appellant's endeavor pertaining to cut measurement devices for chain saws. Moreover, Chien is not even pertinent to the problem with which appellant is concerned since a laser used for focusing purposes in the camera arts has no clear

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pertinence to the use of a laser for a cutting function. Therefore, the skilled artisan would never have been expected to look to Chien for suggestions on how to improve and/or modify the alignment device of Brock.

Moreover, even if we assume, arguendo, that the references could be combined, we fail to see how one would have arrived at the claimed subject matter. Even if one would have taken the suggestion of Chien to use a laser in Brock's system, where is the suggestion as to how to modify Brock in any manner so as to employ the laser? The combined references would not have suggested somehow replacing the sighting system of Brock with a laser and then emitting the light beam at a preselected angle relative to the cutting means.

The examiner's decision rejecting claims 1-13 under 35 U.S.C. 103 is reversed.

REVERSED

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ERROL A. KRASS)	
Administrative Patent Judge)	
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PARSHOTAM S. LALL)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
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)	
JOSEPH L. DIXON)	
Administrative Patent Judge)	

EK/RWK

M. HENRY HEINES
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER 8TH FLOOR
SAN FRANCISCO CA 94111-3834