

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(2) is not binding precedent of the Board.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. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TOSHIAKI KANEMITSU  
and KAZUYUKI ODA

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Appeal No. 1999-0215  
Application No. 08/530,282

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HEARD: APRIL 18, 2000

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Before COHEN, FRANKFORT and NASE, Administrative Patent  
Judges.

COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims  
1 through 4. These claims constitute all of the claims in the  
application.

Appellants' invention pertains to a sheet metal pulley.  
An understanding of the invention can be derived from a

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reading of exemplary claim 1, a copy of which appears in the APPENDIX to the main brief (Paper No. 12).

As evidence of anticipation, the examiner has applied the document specified below:

McCutchan, Jr.	4,468,210	Aug.
28, 1984		

The following rejection is before us for review.

Claims 1 through 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McCutchan, Jr.

The full text of the examiner's rejection and response to the argument presented by appellants appears in the answer (Paper No. 13), while the complete statement of appellants' argument can be found in the main and reply briefs (Paper Nos. 12 and 14).

OPINION

In reaching our conclusion on the anticipation issue raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied patent, and the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the

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determination which follows.

This panel of the board reverses the examiner's rejection of claims 1 through 4 under 35 U.S.C. § 102(b). Our reasoning in support of this conclusion appears below.

Initially, we recognize that an anticipation under 35 U.S.C. § 102(b) is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention. **See *In re Spada***, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990) and ***RCA Corp. v. Applied Digital Data Systems, Inc.***, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). The law of anticipation, however, does not require that the reference teach what the appellant is claiming, but only that the claims on appeal "read on" something disclosed in the reference. **See *Kalman v. Kimberly-Clark Corp.***, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983).

Appellants' claim 1 is drawn to a sheet metal pulley comprising, inter alia, a base part which defines an axial direction and a cylindrical peripheral wall integrally formed therewith, with the cylindrical peripheral wall having an

inner side, an end part and an annular ear projecting outward from the end part, the base part including an inner peripheral portion, a bent part, and an outer peripheral portion, with the outer peripheral portion formed into a "tapered shape",<sup>1</sup> and wherein the diameter of the outer peripheral portion is increased toward the inner side in the axial direction.

We, of course, read and comprehend the content of claim 1, assessed as a whole, in view of the underlying disclosure.

From that perspective, it is at once apparent to us that claim 1 mandates an integrally formed sheet metal pulley, i.e., the "integral design" argued by appellants (main brief, page 4). More particularly, we appreciate that claim 1 specifies a cylindrical peripheral wall "having" an end part and an annular ear projecting from said end part, which cylindrical peripheral wall is integrally formed with the base part. Accordingly, it is the view of this panel of the board that claim 1 is fairly understood to require the annular ear

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<sup>1</sup> Read in light of the disclosure, inclusive of the showing in Figs. 1 and 2, it is apparent to us that the recitation of a "tapered shape" in claim 1 denotes an angled shape for the outer peripheral portion, an interpretation consistent with the "taper angle" language of dependent claims 2 and 3.

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of the cylindrical peripheral wall to be integrally formed with the base part.

Turning now to the applied McCutchan, Jr. document, we find that it teaches a composite plastic pulley wherein an ear or projection 11 (with outer end 22) is formed integrally with a plastic base 16, but the ear and plastic base are clearly not integrally formed with the sheet metal body 2 (side and tapered walls 5,6 and bent part therebetween fairly denote a base part, as now claimed).

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As explained above, it follows that the "sheet metal pulley" of appellants' claim 1 is clearly not readable on the "composite plastic pulley" of the applied reference. It is for this reason that the anticipation rejection of claim 1, and claims 2 through 4 dependent therefrom, must be reversed.

REMAND TO THE EXAMINER

In the present application, appellants include a description of "Background Art" (specification, pages 1 through 3) and depict prior art sheet metal pulleys in Figs. 3 and 5. Considering the broad language of claim 1, we remand the application since it appears to us that the examiner should appropriately evaluate whether claim 1 is anticipated by, for example, the sheet metal pulley depicted in prior art Fig. 5, particularly since the claim does not specify that the outer peripheral portion (tapered shape) is formed in a downward orientation relative to the inner peripheral portion and the cylindrical peripheral wall, as shown in Figs. 1 and 2. As to the subject matter of each of claims 2 through 4, the content of these claims should be evaluated relative to the noted prior art alone or combined with other prior art teachings, keeping in mind that the showing in Fig.

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5 is not to scale but may be fairly relied upon for what it teaches or would have suggested to one having ordinary skill in the art.

In summary, this panel of the board has reversed the rejection of claims 1 through 4 under 35 U.S.C. § 102(b) as being anticipated by McCutchan, Jr., and remanded the application for consideration of the matters discussed above.

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The decision of the examiner is reversed.

REVERSED AND REMANDED

IRWIN CHARLES COHEN	)	)
Administrative Patent Judge	)	)
	)	)
	)	)
	)	BOARD OF PATENT
CHARLES E. FRANKFORT	)	)
Administrative Patent Judge	)	APPEALS AND
	)	)
	)	)
	)	INTERFERENCES
	)	)
JEFFREY V. NASE	)	)
Administrative Patent Judge	)	)

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