



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/749,979	05/17/2007	Kenneth M. Faller	187665/US/2	9249
20686	7590	01/30/2013	EXAMINER	
DORSEY & WHITNEY, I.I.P - Denver INTELLECTUAL PROPERTY DEPARTMENT 1400 Wewatta Street Suite 400 DENVER, CO 80202-5549			CARDENAS-GARCIA, JAIME F	
			ART UNIT	PAPER NUMBER
			3634	
			NOTIFICATION DATE	DELIVERY MODE
			01/30/2013	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing-dv@dorsey.com
docketingDV@dorsey.foundationip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KENNETH M. FALLER and CHRISTOPHER P. GRUNER

Appeal 2010-005692
Application 11/749,979
Technology Center 3600

Before LINDA E. HORNER, HYUN J. JUNG, and
BART A. GERSTENBLITH, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Kenneth M. Faller and Christopher P. Gruner (Appellants) seek our review under 35 U.S.C. § 134 of the Examiner's decision rejecting claims 1-5 and 7. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

THE INVENTION

Appellants' claimed invention "relates generally to retractable coverings for architectural openings such as windows, doors, archways and

the like and more particularly to an operating system for such a covering.”
Spec. 1, ll. 12-14. Claim 1, reproduced below, is the sole independent claim
and is representative of the subject matter on appeal.

1. A retractable covering for an architectural opening comprising in combination: a retractable material having a fixed edge and an opposite movable edge, a rail secured to said fixed edge of the material at one side of said opening, a slide mounted on said rail for slidable movement therealong, an anchor plate secured to said material at or near said movable edge and centered on said movable edge for movement with said movable edge, a flexible cord system operatively secured to said anchor plate and said slide, a fixed bracket at a side of said opening opposite said one side supporting said cord system for movement therearound, said cord system having first and second portions extending respectively in opposite directions from said slide in parallel relationship with said rail toward opposite ends of said rail, said first and second portions reversing direction so as to extend parallel to said rail toward a longitudinal center of said rail and then extending perpendicularly from said rail along said retractable material toward said movable edge, said first portion slidably passing through said anchor plate and then extending further to said fixed bracket where it extends around said fixed bracket and then extends in a reverse direction back to said anchor plate where it is secured to said anchor plate, said second portion having an end secured to said anchor plate, one of said first and second portions being adjustably secured to said anchor plate for selectively adjusting the tension in said cord system, whereby movement of said slide along said rail causes said movable edge to move toward or away from said fixed edge.

THE EVIDENCE

The Examiner relies upon the following evidence:

Spraggins	US 4,679,610	Jul. 14, 1987
Schnebly	US 4,934,436	Jun. 19, 1990
Anderson	US 2002/0053409 A1	May 9, 2002

THE REJECTIONS

Appellants seek review of the following rejections:

1. Claims 1 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spraggins and Schnebly.
2. Claims 1 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schnebly and Spraggins.
3. Claims 2-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spraggins, Schnebly, and Anderson.
4. Claims 2-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schnebly, Spraggins, and Anderson.

ISSUE

Appellants argue that the Examiner erred in rejecting the claims because each ground of rejection relies upon the erroneous finding that Spraggins discloses one of the first and second portions of the cord being adjustably secured to an anchor plate. Br. 9, 11.

The Examiner found that Spraggins discloses “an anchor plate (76 with 91),” “a flexible cord system (80) operatively secured to said anchor plate (76)” and one of the first and second portions of cord system (80) “being adjustably secured to said anchor plate (76) for selectively adjusting the tension in said cord system.” Ans. 4-5, 7-8. The Examiner further explained that the spring (89), which is disposed between the actuator (60) and one end of cord system (80), “provides the needed adjustability for the anchor plate (76 with 91) for ‘selectively adjusting the tension in the cord system’ as provided for in claim 1.” Ans. 15.

The dispositive issue presented by this appeal is whether Spraggins discloses “one of said first and second portions [of said cord system] being

adjustably secured to said anchor plate for selectively adjusting the tension in said cord system,” as called for in independent claim 1.

ANALYSIS

Figure 5 of Spraggins shows an actuator system for moving a window shade 16 between open and closed positions. Spraggins, col. 4, ll. 59-61; fig. 5. The actuator system includes a lever actuator 60, a cable 80, and a plurality of guide pulleys. *Id.* at col. 4, ll. 61-63. Spraggins discloses:

As can be seen in FIG. 5, moving from the actuator 60 in a counter-clockwise direction, the cable 80 is routed over the upper right pulley 82 downward to the lower right pulley 84, then horizontally over left lower pulley 86, and finally, upward over the upper left pulley 88 and back to actuator 60. The cable is secured to the shade assembly by a locking plate 91 which is attached to the lower shade rail 76. A spring 89 is connected between the left side of the actuator 60 and the terminal end of the cable 80 to maintain proper tension in the cable.

Id. at col. 4, l. 63 – col. 5, l. 5. We understand this passage to disclose that one end of cable 80 is attached to one side of lever actuator 60, the other end of cable 80 is attached by a spring 89 to the opposite side of lever actuator 60, and a portion of cable 80 between the two ends is attached to lower shade rail 76 via locking plate 91. Spraggins describes that in operation, as lever actuator 60 moves to the left, the cable 80 rotates in a counter-clockwise direction and the lower shade rail 76, which is attached to the cable 80 by the locking plate 91, will follow the movement of the cable. *Id.* at col. 5, ll. 11-15. We thus read Spraggins to disclose that cable 80 is secured to locking plate 91 at a fixed location along cable 80. As such, we agree with Appellants that Spraggins does not disclose the cable 80 being “adjustably secured” to the lower shade rail 76 with locking plate 91.

Appeal 2010-005692
Application 11/749,979

Accordingly, the Examiner's rejections of claims 1-5 and 7 are based on an erroneous underlying finding of fact and cannot be sustained.

CONCLUSION

Spraggins does not disclose "one of said first and second portions [of said cord system] being adjustably secured to said anchor plate for selectively adjusting the tension in said cord system," as called for in independent claim 1.

DECISION

We REVERSE the decision of the Examiner to reject claims 1-5 and 7.

REVERSED

Klh