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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte INGOLF BRAUNE and GEORG PLASBERG

Appeal 2010-007528
Application 11/133,844
Technology Center 2800

Before MARC S. HOFF, JEFFREY S. SMITH, and JOHN A. EVANS,
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 30-46, which are all the claims remaining in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Representative Claim

30. A method of securing a hazardous zone (17) of a moved tool having a point of attack (27),

wherein an optoelectronic sensor is moved with the tool (11) and monitors the hazardous zone and wherein, when an intervention into the hazardous zone is detected, a switching off process is triggered for a stopping of the tool movement,

comprising expanding a transmitted light beam of a transmitter device by means of an optical transmitting system and using a spatially resolving reception device having a matrix-like arrangement of reception elements such that the optoelectronic sensor monitors a spatial volume (29).

Prior Art

Wüstefeld	U.S. 6,023,335	Feb. 8, 2000
Appleyard '763	US 6,316,763 B1	Nov. 13, 2001
Appleyard '932	WO 00/67932	Nov. 16, 2000

Examiner's Rejections

Claims 30-37 and 41-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Appleyard '932 and Wüstefeld.

Claims 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Appleyard '932, Wüstefeld, and Appleyard '763.

ANALYSIS

Section 103 rejection of claims 30-32, 34-37, and 41-46

Claim 30 recites “expanding a transmitted light beam of a transmitter device by means of an optical transmitting system.” Appellants contend that Wüstefeld does not teach expanding a light beam. Br. 13-14. The Examiner finds that both Wüstefeld and Appleyard ’932 teach expanding a light beam. Ans. 4-5. We agree with the Examiner.

Claim 30 recites “the optoelectronic sensor monitors a spatial volume.” Appellants contend that the region monitored by Wüstefeld is not a spatial volume. Br. 14. The Examiner finds that the region monitored by Wüstefeld has depth, height, and width, which constitutes “a spatial volume” within the meaning of claim 30. Ans. 5. We agree with the Examiner.

Appellants contend that the system of Wüstefeld is not compatible with a moving system. Br. 14-15. The Examiner finds that the teaching of Wüstefeld can be incorporated into the moving system of Appleyard ’932. Figure 9 of Appleyard ’932 shows the light transmitter and receiver on a moving portion of the brake. The transmitter and receiver are stationary relative to each other. Therefore, we agree with the Examiner that the teaching of Wüstefeld can be incorporated into the moving system of Appleyard ’932.

We agree with the Examiner that claim 30 is unpatentable over the combination of Appleyard ’932 and Wüstefeld for the reasons given by the Examiner in the Final Rejection and the Examiner’s Answer. Appellants have not presented arguments for separate patentability of claims 31, 32, 34-37, and 41-46 which fall with claim 30.

Section 103 rejection of claim 33

Appellants contend that Wüstefeld does not teach monitoring a spatial volume within a closed boundary surface. Br. 15-16. The Examiner finds that Wüstefeld teaches “the spatial volume (29) is monitored also within said boundary surface (31)” as recited in claim 33. Ans. 6. We agree with the Examiner for the reasons given by the Examiner in the Final Rejection and the Examiner’s Answer. We sustain the rejection of claim 33 under 35 U.S.C. § 103.

Section 103 rejection of claims 38 and 39

Appellants do not present arguments for separate patentability of claims 38 and 39, which fall with claim 30.

Section 103 rejection of claim 40

Appellants contend that the combination of Appleyard ’932, Wüstefeld, and Appleyard ’763 does not teach “monitoring of the monitored spatial volume (29) is deactivated at the time of the transition from the closing movement (15) to the working movement” as recited in claim 40. Br. 17-18. The Examiner finds that Appleyard ’763 teaches this limitation. Ans. 6, citing col. 12, ll. 21-23 and col. 13, ll. 1-6. Although Appellants allege that columns 20 and 21 of Appleyard ’763 do not teach the “working movement” (Br. 18), Appellants have not provided persuasive argument to rebut the Examiner’s finding that columns 12 and 13 teach the “working movement.”

We sustain the rejection of claim 40 under 35 U.S.C. § 103.

DECISION

The rejection of claims 30-37 and 41-46 under 35 U.S.C. § 103(a) as being unpatentable over Appleyard '932 and Wüstefeld is affirmed.

The rejection of claims 38-40 under 35 U.S.C. § 103(a) as being unpatentable over Appleyard '932, Wüstefeld, and Appleyard '763 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

llw