



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.
11/229,377	09/16/2005	Evangelos Trifon Laskaris	148301-1/YOD/RAR (GERD:04)	9973
41838	7590	01/29/2013	EXAMINER	
GENERAL ELECTRIC COMPANY (PCPI) C/O FLETCHER YODER P. O. BOX 692289 HOUSTON, TX 77269-2289			BARRERA, RAMON M	
			ART UNIT	PAPER NUMBER
			2832	
			MAIL DATE	DELIVERY MODE
			01/29/2013	PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EVANGELOS TRIFON LASKARIS

Appeal 2010-007587
Application 11/229,377
Technology Center 2800

Before JEAN R. HOMERE, BRYAN F. MOORE, and JOHN G. NEW
Administrative Patent Judges.

MOORE, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final Rejection of claims 1-18. App. Br. 2. Claims 19-20 are canceled. *Id.* We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

INVENTION

The invention is directed to the field of magnetic resonance imaging and more specifically to the field of magnetic resonance imaging of human extremities. *See Spec.* ¶ [0001].

Claim 1 is exemplary of the invention and is reproduced below:

1. A magnetic resonance imaging (MRI) system. comprising:
a cylindrical magnet for generating a static magnetic field, the magnet comprising:
a cryostat having concave end plates: and
a first set of superconducting coils shielded with a second set of superconducting coils, wherein the first and the second set of superconducting coils are disposed in the cryostat.

REFERENCES

Lvovsky US 6,570,475 B1 May 27, 2003

REJECTIONS AT ISSUE

Claims 1-4, 8, 10-12,14, 15, 17 and 18 stand rejected under 35 U.S.C. § 102(b) as anticipated by Lvovsky. Ans. 3.

Claims 5-7, 9, 13, and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lvovsky. Ans. 4.

ISSUE

1. Did the Examiner err in finding that Lvovsky discloses “a cryostat having concave end plates” as recited in claim 1;
2. Did the Examiner err in finding that the combination of routine skill and/or design choice with Lvovsky teaches or suggests “static magnetic field is in the range of about 1.5 Tesla to about 7 Tesla.” as recited in claim 6?

ANALYSIS

35 U.S.C. § 102(b) - Lvovsky

Claims 1-4, 8, 10-12, 14, 15, 17 and 18

Appellants argue that Lvovsky does not teach “a cryostat having concave end plates,” as recited in independent claims 1 and 11. Br. 5-7. Specifically, Appellants argue that the “the Lvovsky reference does not appear to contemplate the use of concave recesses or walls at all in the enclosure 12, 14 as such structures would be generally inconsistent with forming a dome-shaped or spheroidal (i.e., convex) structure.” Br. 7. This argument is persuasive.

The Examiner points to recess 30 and pole surfaces 28 of Lvovsky as the concave end plates (Ans. 5), but those structures are planar. Lvovsky, Figure 4. However, Lvovsky discloses that although “recess 30 [is] depicted in section as [a] planar wall[], [it] may also be formed as curved or arcuate walls to form smooth curved shapes such as domes. That is, the enclosures 12, 14 may be designed as domes, half spheroids, or other smooth walled forms.” Lvovsky, 7:47-50; *see also* Ans. 5. Appellants argue that “[t]he term ‘concave’ as presently recited, is generally understood to mean ‘arched

in: curving in.” Br. 5 (citing Merriam Webster's Collegiate Dictionary, p. 237 (10th ed. 2002)). We agree with Appellants that the broadest reasonable definition of concave requires curving in, not just a curve.

Given that definition of concave, we agree with that Lvovsky's disclosure of an arcuate, half spheroid, or dome shape does not explicitly disclose a concave shape. “Anticipation requires that every limitation of the claim in issue be disclosed, either expressly or under principles of inherency, in a single prior art reference.” *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1255-56 (Fed. Cir. 1989). Because Appellants have shown at least one error in the Examiner's anticipation rejection, we need not reach Appellants' other arguments. Therefore, we cannot sustain the Examiner's rejection of claim 1 and 11 as being anticipated by Lvovsky. Claims 2-4, 8, 10, 12, 14, 15, 17 and 18 depend from claims 1 and 11 and thus stand with claims 1 and 11.

35 U.S.C. § 103(a) – Lvovsky

Claims 5-7, 9, 13, and 16

Claims 5-7, 9, 13, and 16 depend from claims 1 and 11 discussed above. Thus, cannot sustain the Examiner's decision to reject those claims for the same reasons cited above.

DECISION

The Examiner's decision to reject claims 1-18 is reversed.

REVERSED

Appeal 2010-007587
Application 11/229,377

tj