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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID SAXL, JADRAN KOSTOVIC,
and MATTHIAS KUDOKE

Appeal 2010-008716
Application 11/812,447
Technology Center 2800

Before JOSEPH F. RUGGIERO, JEFFREY S. SMITH,
and JOHN A. EVANS, *Administrative Patent Judges*.

RUGGIERO, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1-17, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed Feb. 5, 2010), the Answer (mailed Mar. 24, 2010), and the Reply Brief (filed May 24, 2010). We have considered in

this decision only those arguments Appellants actually raised in the Briefs. Arguments which Appellants could have made but chose not to make in the Briefs have not been considered and are deemed to be waived (*see* 37 C.F.R. § 41.37(c)(1)(vii)).

Appellants' Invention

Appellants' invention relates to an electrical contact system including first and second contacts arranged about a central axis. The second contact includes a contact tulip having contact fingers which have an inner face directed towards the central axis and an outer face directed away from the central axis. In a closed state, the inner faces of the contact fingers make electrical contact with an inner part of the first contact while the outer faces of the contact fingers bear against the first contact to form an outer contact-making face enabling current transfer to the first contact. *See generally* Spec. 8:24–9:12.

Claim 1 is illustrative of the invention and reads as follows:

1. An electrical contact system for an electrical switching device for power supply systems, in particular for a fast-acting grounding switch or a circuit breaker, the switching device having a central axis and a first contact or mating contact and a second contact, at least the second contact comprising a contact tulip having a plurality of contact fingers, and the contact fingers having outer faces, which face away from the central axis, and inner faces, which face towards the central axis, in a closed operating state of the switching device the contact tulip being inserted in the first contact, in addition, in the closed operating state, the outer faces of the

Appellants' arguments are not persuasive of any error in the Examiner's stated position (Ans. 6-8). Our interpretation of the disclosure of Bleiker coincides with that of the Examiner, i.e., surface 18 is the outer face of element 15 which along with element 16 constitute the contact fingers of movable contact 1 as illustrated in Bleiker's Figure 1 partial section view through the bottom portion of contact 1. As the contact 1 (second contact) of Bleiker moves into contact with contact 4 (first contact) element 15, which Appellants acknowledge is a solid metal body (App. Br. 6), the outer face of element 15 will contact the contact finger 9 of contact 4.

We further agree with the Examiner that, contrary to Appellants' contention (Reply Br. 2-3), the arcing 19 illustrated in Bleiker's Figure 1 supports the Examiner's position that the outer faces of contact finger 15 make contact with elements 8 and 9 of contact 4. Further, to whatever extent Appellants' contention (Reply Br. 2) that Bleiker's element 15 is a separate element designed to "shield" contact finger 16 has merit, there is nothing to preclude element 15, which makes contact with contact 9 and which Appellants acknowledge is a solid metal body, from being construed as a contact finger.

In view of the above discussion, we conclude that the Examiner did not err in finding that all of the claimed limitations are present in the disclosure of Bleiker. Accordingly, the Examiner's 35 U.S.C. § 102(b) rejection of independent claims 1 (and its dependent claim 3) and 11, as well as dependent claims 2, 4-10, and 12-17 not separately argued by Appellants, is sustained.

CONCLUSION

Based on the analysis above, we conclude that the Examiner did not err in rejecting claims 1-17 for anticipation under 35 U.S.C. § 102(b).

DECISION

We affirm the Examiner's decision rejecting claims 1-17 under 35 U.S.C. § 102(b).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED

babc