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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/830,078	07/30/2007	Drew Krehbiel	06-19	2259
	7590	03/12/2013	EXAMINER	
Christian N. Heausler Kellogg Brown & Root LLC 601 Jefferson Avenue Houston, TX 77002			SINGH, SUNIL	
			ART UNIT	PAPER NUMBER
			3672	
			MAIL DATE	DELIVERY MODE
			03/12/2013	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DREW KREHBIEL
and RICHARD D'SOUZA

Appeal 2011-000608
Application 11/830,078
Technology Center 3600

Before JAMES P. CALVE, JEREMY M. PLENZLER, and
BEVERLY M. BUNTING, *Administrative Patent Judges*.

CALVE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the rejection of claims 1-20 under 35 U.S.C. § 103(a) as unpatentable over Anders (US 4,102,144; iss. Jul. 25, 1978) and Stone (US 3,807,179; iss. Apr. 30, 1974). App. Br. 5, 10. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

Claims 1, 8, 14, and 20 are independent. Claim 1 is reproduced below:

1. A structure for an offshore installation, comprising:
a body adapted to be disposed at least partially about a primary structure of an offshore installation;
one or more fixed protrusions disposed about an outer surface of the body, wherein the fixed protrusions have a first end adapted to break ice; and
a support system disposed on the body adapted to isolate the body from the primary structure such that the body can absorb at least a portion of ice generated vibrations.

ANALYSIS

Appellants argue claims 1-20 as a group. App. Br. 11-14. We select claim 1 as representative. 37 C.F.R. § 41.37(c)(1)(vii) (2011). Claims 2-20 stand or fall with claim 1.

The Examiner found that Anders discloses an offshore installation structure with a body 28, 128, 228 about a primary structure 14, 214, and a support system adapted to isolate the body from the primary structure so the body can absorb at least a portion of ice generated vibrations. Ans. 4. The Examiner also found that Anders lacks fixed protrusions, but Stone discloses fixed protrusions (arms 42, 52) secured or fastened to a member 44, 54 about an outer surface of a body with a first end adapted to break ice. Ans. 4. The Examiner determined that it would have been obvious to modify Anders to include such protrusions on an outer surface of the body to more effectively break up ice. Ans. 4. The Examiner interpreted the term “fixed” to mean “securely placed or fastened” and found that the protrusions (arms 42, 52) of

Stone are secured/fastened to body 44, 54 as depicted in Figures 2 and 3.

Ans. 5. The Examiner determined that “fixed” is not limited to mean only “not movable” as Appellants argue. Ans. 6. As a result, the Examiner found that the pivotable arms 42, 52 of Stone are considered fixed, because when hydraulic cylinder 46 is fully extended, the protrusion is fixed at that point. Ans. 6-8. The Examiner reasoned that Appellants’ definition of “fixed” includes “firmly placed or attached” and thus the term “fixed” is not limited to mean only “not movable.” Ans. 8-9. The Examiner determined that this definition is consistent with Appellants’ Specification, which discloses that protrusions 25 can be welded “or otherwise fixed to the outer surface of the body 20.” Ans. 6 (citing Spec. para. [0034]).

Appellants argue that the Examiner’s interpretation of “fixed” is unreasonably broad because “fixed” means “firmly placed or attached; not movable” or “securely placed or fastened: STATIONARY.” App. Br. 12 (citation omitted); Reply Br. 3 (citation omitted). Appellants also argue that Stone’s arms 42 are pivotable or moveable about their upper end to break up the ice pack and a pivotally mounted protrusion is not the same or equivalent to a fixed mounted protrusion. App. Br. 11-12. These arguments do not persuade us of error in the Examiner’s determination that the term “fixed” includes “securely placed or fastened” and is not limited to meaning only “not movable.” Stone discloses arms 42, 52 that are fixed at their upper end to an apron 44 or sleeve 54 and near their lower end to a hydraulic cylinder 46, 56. *See* Stone, col. 3, ll. 36-59; figs. 2, 3. Although arms 42, 52 can pivot, the upper end of arms 42, 52 are fixed to the apron 44 or sleeve 54 and are not movable or removable at that point. The Examiner’s finding is within the broadest reasonable interpretation of that term and we decline to

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read limitations from the Specification into the claims or to limit claim 1 to a particular embodiment where the language of claim 1 is broader. The Examiner's interpretation is consistent with Appellants' Specification, which discloses that "[t]he protrusions 25 can be welded or otherwise fixed to the outer surface of the body 20." Spec. 10, para. [0034]. Appellants do not provide an express definition of the term "fixed" in their Specification. The Examiner also found that Stone can extend or position the lower end of arms 42, 52 to a fully extended state that is considered to be a fixed position. Ans. 6. Appellants have not persuaded us of error in the Examiner's findings in this regard, either. We sustain the rejection of claims 1-20.

DECISION

We AFFIRM the rejection of claims 1-20.

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).

AFFIRMED

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