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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARK S. OLSSON, BRET D. LOBREE, and DAVID A. COX

Appeal 2011-006049
Application 10/858,628
Technology Center 2600

Before, JAMES R. HUGHES, THU A. DANG, and
GREGORY J. GONSALVES, *Administrative Patent Judges*.

HUGHES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 31-33 and 35-41, which are all the claims remaining in the application. Claims 1-30 and 34 were canceled. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' Invention

The invention at issue on appeal concerns a self-leveling camera head including a leveling weight assembly removably coupled to but separate from a camera module assembly and a slip ring assembly overlapping the leveling weight assembly in an axial direction. (Spec. 4:7-30; 10:16-28; Abstract.)[1]

Representative Claim

Independent claim 31, reproduced below with the key disputed limitations emphasized, further illustrates the invention:

> 31. A self-leveling camera head, comprising:
>
> an outer housing;
>
> a camera module assembly including an image sensor supported inside the housing for free rotation about an axis;
>
> a leveling weight coupled to the camera module assembly; and
>
> *a slip ring assembly axially overlapping the leveling weight and having first and second portions configured to removably axially plug into one another* and to provide electrical connections between a plurality of fixed connecters mounted to the outer housing and the rotatable camera module assembly, the first portion of the slip ring assembly including a plurality of flexible contact brushes and the second portion of the slip ring assembly including a plurality of rings.

[1] We refer to Appellants' Specification ("Spec."); Appeal Brief ("App. Br.") filed August 26, 2010; and Reply Brief ("Reply Br.") filed January 15, 2011. We also refer to the Examiner's Answer ("Ans.") mailed November 12, 2010.

Rejection on Appeal

The Examiner rejects claims 31-33 and 35-41 under 35 U.S.C. § 103(a) as being unpatentable over US 2002/0131781 A1, published Sep. 19, 2002 ("Buck") and US 3,614,726, issued Oct. 19, 1971 ("Richter").

ISSUE

Based upon our review of the administrative record, Appellants' contentions, and the Examiner's findings and conclusions, the pivotal issue before us follows:

Does the Examiner err in finding that Buck and Richter would have collectively taught or suggested "a slip ring assembly axially overlapping the leveling weight and having first and second portions configured to removably axially plug into one another" (claim 31), as recited in Appellants' claim 31?

ANALYSIS

We agree with Appellants that the portions of Buck identified by the Examiner do not explicitly or inherently disclose the disputed features of claim 31, in particular, that the slip ring assembly overlaps the leveling weight axially (in a direction of the axis (of rotation)). (App. Br. 3-6; Reply Br. 1-3.) Specifically, we agree with Appellants that Buck's disclosure of a camera body (element 8) with a leveling weight (element 7) attached thereto, a thin wall bearing (element 6), and slip rings (elements 5a & 5b) all coupled together (*see* Buck, ¶¶ [0018]-[0019]; Figure 2) fails to disclose the recited "slip ring assembly axially overlapping the leveling weight" (claim 31). (App. Br. 5-6; Reply Br. 1-3.) We disagree with the Examiner's overly-

broad interpretation of Buck's leveling weight assembly including the bearing (6) and leveling weight (7), such that the slip ring (rear half (5b)) fits inside the "assembly." (Ans. 4-5, 8-9.) The leveling weight is a separate component from the bearing and we cannot agree with the Examiner's strained interpretation.

Consequently, we are constrained by the record before us to conclude that Buck (and Richter) fails to disclose, teach, or suggest the recited features of Appellants' claim 31, and the rejection of claim 31 fails to establish a prima facie case of obviousness. Appellants' dependent claims 32, 33, and 35-41 depend on and stand with claim 31. Accordingly, we reverse the Examiner's obviousness rejection of claims 31-33 and 35-41.

CONCLUSION OF LAW

Appellants have shown that the Examiner erred in rejecting claims 31-33 and 35-41 under 35 U.S.C. § 103(a).

DECISION

We reverse the Examiner's rejections of claims 31-33 and 35-41 under 35 U.S.C. § 103(a).

REVERSED

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