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EXAMINER
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HARP, WILLIAM RAY

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RAYMOND ANTHONY CASTRO

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Appeal 2015-002510  
Application 13/077,209  
Technology Center 3600

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Before JAMES P. CALVE, BRANDON J. WARNER, and  
SEAN P. O'HANLON, *Administrative Patent Judges*.

CALVE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 from the final rejection of claims 1–11 and 13–19. *See* Appeal Br. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

### CLAIMED SUBJECT MATTER

Claims 1 and 9 are independent. Claim 1 is reproduced below.

1. A pneumatic carrier for use in a pneumatic tube transport system, comprising:
  - first and second shells having first and second recessed surfaces and first and second engagement surfaces, respectively, wherein the first and second engagement surfaces mate in a closed position to define an enclosed space;
  - first and second sets of wear bands disposed about outside surfaces of said first and second shells, respectively, wherein in the closed position the first and second sets of wear bands mate to form first and second substantially circular bands adapted to position said carrier within a tube of a pneumatic tube system;
  - a hinge member coupled to the first and second shells and permitting movement between the closed position and an open position;
  - a latch having a first portion attached to one of the first and second shells, wherein the latch is operative to engage the other of the first and second shells to secure the shells in the closed position;
  - a first stud interconnected to the recessed surface of one of the first and second shells;
  - a first socket interconnected to the recessed surface of the other of the first and second shells, wherein a distal end of the first stud is received within a hollow interior of the first socket when the first and second shells are in the closed position.

### REJECTIONS

Claims 1–3, 5–11, 13, 14, and 16–19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Keller (US 7,097,391 B1, iss. Aug. 29, 2006) and Fiore, Jr. (US 6,390,294 B1, iss. May 21, 2002) (“Fiore”).

Claims 4 and 15 are rejected under 35 U.S.C. § 103(a) as unpatentable over Keller, Fiore, and Krupa (US 5,456,379, iss. Oct. 10, 1995).

## ANALYSIS

*Claims 1–3, 5–11, 13, 14, and 16–19 as unpatentable over Keller and Fiore*

The Examiner found that Keller teaches pneumatic carriers as recited in independent claims 1 and 9, except for a first stud and socket (claim 1) or first and second pillars (claim 9). Final Act. 3–4, 5–6. The Examiner found that Fiore teaches these features. *Id.* at 4, 6. The Examiner determined that it would have been obvious to use these features of Fiore on Keller’s carrier to prevent deformation of the carrier. *Id.* at 4, 6–7.

Appellant argues that Fiore is nonanalogous art and is not combinable with Keller. Br. 6. Appellant argues that Fiore’s archery bow carrying case is not in the same field of endeavor as the claimed pneumatic carrier for use in a pneumatic transport system. *Id.* at 7. Appellant also argues that Fiore is not reasonably pertinent to the problem addressed by the invention because Fiore addresses a different problem and has a different purpose. *Id.* at 8. Appellant further argues that Fiore prevents crushing forces applied to the case from being applied to items in the archery case and prevents the sides from deforming inwards when subjected to an external load. *Id.*

We agree with the Examiner that Fiore is analogous art to the claimed pneumatic carrier. Appellant discloses the invention “Field” as relating “to a side-opening carrier vessel having internal supports that increase the rigidity of the carrier.” Spec. 1:10–11, Figs. 1, 2. Fiore discloses a side-opening multi-functional, rigid carrier for archery equipment with very similar structure including internal supports. Fiore, 1:4–9, 2:22–56, Fig. 2.

The similarity in structures of Appellant’s and Fiore’s side-opening carriers is illustrated by their respective figures. Figure 2 of Appellant’s disclosure is reproduced below.



Figure 2 of Fiore shows a side-opening carrier with sections 12, 14 that connect along hinge 50 and also include reinforcing pillars 40, 40' that interconnect similar to Appellant's studs and socket. Fiore, 4:3–11, 5:9–44.

Although Appellant discloses that its side-opening carrier is used for pneumatic carrier systems and Fiore discloses that its side-opening carrier is used for archery equipment, nonetheless, the devices are from the same field of side-opening carriers having shells that are hingedly connected and also reinforced with internal posts/pillars to improve the structural rigidity and alignment of the two clam shells and carriers. The different intended use of the carriers does not place the carriers in different fields, given Appellant's broad statement of the field, as discussed above, and the strong similarity in structure and function of the two carriers. Spec. 1:10–11.

Both carriers include elongated shells that are connected along one longitudinal edge by a hinge having ferrules and a hinge pin so they open and close along the other side as shown above. Both carriers have hollow interiors to contain various items, and reinforcing pillars/posts that align the shells to seal properly and improve the rigidity of the carriers. Spec. 2:18–3:15, 5:8–23, 6:10–20, 7:14–9:3; Fiore, 2:22–57, 3:5–34, 5:9–6:2, 7:13–23; Ans. 8; Final Act. 4, 6, 8. Therefore, Appellant's conclusory argument that Fiore is a different field of endeavor (Br. 7) is not persuasive.

We also agree with the Examiner that Fiore is reasonably pertinent to the problems addressed by Appellant, so that Fiore's teachings would have been considered by an inventor trying to solve those problems. Final Act. 4, 6, 9–10; Ans. 8–9. Appellant discloses that an object of the invention is providing internal supports to increase the rigidity of a side-opening carrier. Spec. 1:10–11.

Appellant describes the problem in using side-opening carriers that “necessarily results in a carrier that has limited rigidity about its centerline axis” and has “reduced torsional stability” that permits the carrier to flex and open during transport. Spec. 2:18–21. Appellant solves this problem with mating studs and sockets formed on facing surfaces of the carrier shells “to improve rigidity of the carrier” and provide “improved rigidity and/or resistance to accidental opening.” *Id.* at 2:23–29. The connecting studs and sockets increase torsional rigidity of the carrier and prevent items inside the cargo area from shifting or forcing the shells apart. *Id.* at 3:10–15, 8:19–28. Other interior partitions may be used for this purpose. *Id.* at 9:4–11.

Fiore’s reinforcing pillars 40, 40’ address the same problem. They prevent damage to the contents of the carrier from loads and forces imposed on the carrier, and provide impact-resistance, load distribution, automatic alignment, and multi-functional use. Fiore, 1:4–9, 2:22–26. Fiore teaches that the reinforcing pillars brace and prevent the large panels (side shells) from significantly deforming by reducing the flexibility of the large panels (increasing the rigidity of the panels) and better distributing loads and forces impinging on the case. *Id.* at 2:37–57. The pillars align mating rims 38, 38’ so the carrier shells seal properly (and stay sealed). *Id.* at 5:65–6:2, 7:13–23.

Appellant’s attempt to limit the problem solely to increasing *torsional* rigidity of the carrier to prevent the carrier from opening during transport (Br. 7, 8) is not persuasive in view of the foregoing. Appellant discloses the drawbacks of side-opening carriers as limited rigidity about their centerline axes and the carriers *may* have reduced torsional stability. Spec. 2:18–22. Mating studs and sockets on facing carrier shells improve carrier rigidity and resistance to accidental opening. *Id.* at 2:23–29.

Fiore addresses the same problem of rigidity via reinforcing pillars 40, 40' that resist and distribute forces imposed on the case and align the edges of the shells when the carrier is sealed so the shells stay sealed and aligned during impact and loads. Fiore, 7:13–23. The forces imposed on the carrier could include torsional and other forces as the carrier is handled and stored in vehicles or aircraft. Fiore discloses that more reinforcing pillars 40, 40' may be used to improve carrier rigidity and alignment of the carrier shells. *Id.* at 5:19–24. Reinforcing pillars 40, 40' partition the interior of the carrier for bow 11, and arrow holder 86. *Id.* at Fig. 2. By distributing forces and impacts and ensuring proper alignment of the edges of the shells, Fiore's pillars reduce the likelihood that the carrier will open when subjected to torsional and other forces.<sup>1</sup> *See* Ans. 8–9.

Thus, we sustain the rejection of claims 1–3, 5–11, 13, 14, and 16–19.  
*Claims 4 and 15 as unpatentable over Keller, Fiore, and Krupa*

Appellant does not present arguments for the rejection of claims 4 and 15 as unpatentable over Keller, Fiore, and Krupa. Thus, we summarily sustain this rejection.

#### DECISION

We affirm the rejections of claims 1–11 and 13–19.

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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<sup>1</sup> Claim 1 only recites a first stud and first socket that interconnect rather than two separate sets of pillars as recited in independent claim 9.