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ORACLE (Oracle formerly d/b/a Sun Microsystems) 8055 East Tufts Avenue Suite 450 Denver, CO 80237			RENNER, CRAIG A	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* DARRYL WAYNE YEAKLEY and  
FRANK A. GOODKNIGHT

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Appeal 2016-007673  
Application 14/287,415  
Technology Center 2600

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Before JASON V. MORGAN, JEREMY J. CURCURI, and  
BARBARA A. BENOIT, *Administrative Patent Judges*.

CURCURI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–11 and 26–29. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

Claims 1, 2, 6–9, and 29 are rejected under 35 U.S.C. § 102(a)(1) as anticipated by Hartrampf (US 6,037,739; Mar. 14, 2000). Final Act. 3–5.

Claims 3–5 are rejected under 35 U.S.C. § 103 as obvious over Hartrampf and Benner, Jr. (US 8,254,045 B1; Aug. 28, 2012). Final Act. 6–8.

Claim 10 is rejected under 35 U.S.C. § 103 as obvious over Hartrampf and Yeakley (US 8,422,173 B2; Apr. 16, 2013). Final Act. 8–9.

Claim 11 is rejected under 35 U.S.C. § 103 as obvious over Hartrampf, Yeakley and Official Notice. Final Act. 9–10.

Claims 26–28 are rejected under 35 U.S.C. § 103 as obvious over Hartrampf and Denne (US 5,440,183; Aug. 8, 1995). Final Act. 10–11.

We affirm.

#### STATEMENT OF THE CASE

Appellants' invention relates to “linear actuators or voice coil actuators that are used to position tape heads relative to recording media in tape and disk drives.” Spec. ¶ 1. Claim 1 is illustrative and reproduced below:

1. A linear actuator, comprising:
  - a housing including a body, wherein the body includes an opening and an inner surface surrounding the opening;
  - an electrically conductive coil disposed within the opening, wherein the electrically conductive coil includes a first part that is wound in a rotary direction about an axis and a second part that is wound in the rotary direction about the axis;
  - and
    - a magnet disposed within the opening, wherein the magnet includes a first pole on a first axial end of the magnet and a second pole on a second axial end of the magnet;
    - wherein one of the electrically conductive coil and magnet is non-movably attached to the inner surface of the body, and wherein the other of the electrically conductive coil and magnet is linearly movable relative to the inner surface of the body and the one of the electrically conductive coil and magnet along the axis; and

wherein transmission of an electric current through the first part of the electrically conductive coil in a first current flow direction about the axis and simultaneously through the second part of the electrically conductive coil in a second current flow direction about the axis induces the linear movement of the other of the electrically conductive coil and magnet, wherein the first current flow direction is opposite to the second current flow direction.

#### ANALYSIS

THE ANTICIPATION REJECTION OF CLAIMS 1, 2, 6–9, AND 29 BY HARTRAMPH

The Examiner finds Hartramph describes all limitations of claim 1. Final Act. 3–4; *see also* Ans. 2–4.

Appellants present the following principal argument:

Claim 1 recites first and second parts wound in the *same* rotary direction about the axis (*see* Appellant’s Fig. 4, upper coil part 174 and lower coil part 175), while Hartramph discloses first and second parts wound in *opposite (different)* rotary directions about the axis (*see* Hartramph’s Fig. 1, upper coil part near the south pole of magnet 1 and lower coil part near the north pole of magnet 1). *See* App. Br. 4–6; *see also* Reply Br. 2–4.

Appellants characterize the Examiner’s position:

[T]he Examiner takes the position that the first/top coil part of Hartramph (near the south pole of magnet in Figure 1 of Hartramph) is wound in a clockwise direction when looked down upon in a direction from top to bottom and that the second/bottom coil part of Hartramph (near the north pole of the magnet) is also wound in the clockwise direction when looked down upon, but in a direction from bottom to top (*rather than from top to bottom*) which allegedly anticipates the claim.

App. Br. 4.

However, Appellants argue that the Examiner's position is based on an unreasonable claim construction:

[O]ne of ordinary skill in the art at the time of the present invention would also understand that first and second coil parts that are recited as being both wound in the same rotary direction about an axis as in independent claim 1 means that the first and second coil parts are both wound in the same rotary direction *in the same direction along the axis* (i.e., either from the top to the bottom or from the bottom to the top, but not both).

App. Br. 6.

We review the appealed rejections for error based upon the issues identified by Appellants, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential).

First, then, we must construe the phrase “a first part that is wound in a rotary direction about an axis and a second part that is wound in the rotary direction about the axis,” as recited in claim 1. *See In re Geerdes*, 491 F.2d 1260, 1262 (CCPA 1974) (“Before considering the rejections . . . , we must first [determine the scope of] the claims”).

In this regard, Appellants' Specification discloses the following:

For instance [in Figure 4], the electrically conductive coil 172 may be fixed or otherwise secured to the inner surface 168 of the body 164 in any appropriate manner. Furthermore, the electrically conductive coil 172 includes a first (e.g., upper) portion or part 174 and a second (e.g., lower) portion or part 175 that are wound in the same rotary direction about the axis 156, axially aligned along the axis 156, and separated or spaced by any appropriate coil spacer 176 (e.g., in the shape of a disk or washer and constructed of plastic or other non-electrically and non-magnetically conductive material).

Spec. ¶ 29; *see also* Spec. ¶ 7 (“Winding the first and second parts of the electrically conductive coil in the same rotary direction about the axis can

advantageously simplify the manufacturing process as compared to linear actuators having oppositely wound coil portions.”)

That is, the Specification discloses the first and second coil parts would in the same rotary direction when viewed in the same direction along the axis.

During examination of a patent application, a claim is given its broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted) (internal quotation marks omitted). Additionally, “[t]hough understanding the claim language may be aided by the explanations contained in the written description, it is important not to import into a claim limitations that are not a part of the claim.” *See SuperGuide Corp. v. DirectTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004).

Further in this regard, the Examiner finds “[t]he claims currently do not recite that ‘the first and second coil parts are both wound in the same rotary direction [when viewed] in the same direction along the axis.’” Ans. 4.

We agree with the Examiner and decline to import limitations from the Specification into the claim. We construe the phrase “a first part that is wound in a rotary direction about an axis and a second part that is wound in the rotary direction about the axis” as not requiring the first and second coil parts to be wound in the same rotary direction *when viewed in the same direction along the axis*.

Given our construction, we review the Examiner’s findings that Hartramph describes all limitations of claim 1. As shown in Hartramph’s Fig. 1, Hartramph discloses first and second parts wound about the axis.

The upper coil part near the south pole of magnet 1, when following the winding *from top to bottom*, is wound in the same direction as the lower coil part near north pole of magnet 1, when following the winding *from bottom to top*. Appellants are not without recourse because Appellants are free to amend their claims to require the first and second coil parts are both wound in the same rotary direction *when viewed in the same direction along the axis*. Had claim 1 included such a recitation, we would not have sustained the Examiner's rejection based on the evidence of the current record.

In reaching our decision, we also acknowledge the disclosure in Hartramph:

The coil system (3) consists of two identical serially arranged partial coils in the permanent excited magnetic field in a direction of winding opposite to each other. The coil system is illustrated in FIG. 1 schematically as a one layer system, whereby the reverse of winding direction is indicated by the different direction of the coil current.

Hartramph col. 4, ll. 24–29.

However, this disclosure does not change our decision because we decline to import limitations from the Appellants' Specification into the claim.

We, therefore, sustain the Examiner's rejection of claim 1. We also sustain the Examiner's rejection of claims 2, 6–9, and 29, which are not separately argued with particularity.

THE OBVIOUSNESS REJECTION OF CLAIMS 3–5 OVER HARTRAMPH AND  
BENNER, JR.

Appellants argue “Benner does not remedy any of the deficiencies of Hartramph in relation to independent claim 1.” App. Br. 6.

For reasons discussed above, we find Hartramph is not deficient.

We, therefore, sustain the Examiner's rejection of claims 3–5.

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THE OBVIOUSNESS REJECTION OF CLAIM 10 OVER HARTRAMPH AND YEAKLEY

Appellants argue “Yeakley does not remedy any of the deficiencies of Hartramph in relation to independent claim 1.” App. Br. 7.

For reasons discussed above, we find Hartramph is not deficient.

We, therefore, sustain the Examiner’s rejection of claim 10.

THE OBVIOUSNESS REJECTION OF CLAIM 11 OVER HARTRAMPH, YEAKLEY  
AND OFFICIAL NOTICE

Appellants argue “Yeakley and the Examiner’s Official Notice do not remedy any of the deficiencies of Hartramph in relation to independent claim 1.” App. Br. 7.

For reasons discussed above, we find Hartramph is not deficient.

We, therefore, sustain the Examiner’s rejection of claim 11.

THE OBVIOUSNESS REJECTION OF CLAIMS 26–28 OVER HARTRAMPH AND  
DENNE

Appellants argue “Denne does not remedy any of the deficiencies of Hartramph in relation to independent claim 1.” App. Br. 7.

For reasons discussed above, we find Hartramph is not deficient.

We, therefore, sustain the Examiner’s rejection of claims 26–28.

DECISION

The Examiner’s decision rejecting claims 1–11 and 26–29 is affirmed.

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).

AFFIRMED