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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			PATEL, VISHAL A	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SANTO SCIMECA and CHAD GARNER

Appeal 2018-002398
Application 14/027,449
Technology Center 3600

Before JOHN C. KERINS, BENJAMIN D. M. WOOD, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

KORNICZKY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE¹

Pursuant to 35 U.S.C. § 134(a), Appellant² appeals from the Examiner's decision, as set forth in the Final Office Action, rejecting claims 1, 2, and 8–10.³ We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

THE CLAIMED SUBJECT MATTER

The application is directed to an inter-stage seal housing having a replaceable wear strip. Claim 1, the only independent claim on appeal, is reproduced below with disputed limitations italicized for emphasis:

1. A seal assembly for a turbine engine, comprising:
a seal housing having a circumferential groove located along an edge of said seal housing;
at least one segment strip, each having an upstream sealing surface, a downstream sealing surface, a right circumferential sealing surface and a left circumferential sealing surface,
wherein said circumferential groove is configured to accept the geometry of the at least one segment strip,
wherein said seal housing further comprises:
a downstream surface;
wherein said downstream sealing surface of the at least one segment strip forms a substantially planar surface with said downstream surface of said seal housing and serves as a replaceable contact surface strip for said seal housing, and

¹ In this Decision, we refer to (1) the Examiner's Final Office Action dated January 27, 2017 ("Final Act.") and Answer dated November 3, 2017 ("Ans."), and (2) Appellant's Appeal Brief dated September 25, 2017 ("Appeal Br.") and Reply Brief dated January 3, 2018 ("Reply Br.").

² We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Mitsubishi Hitachi Power Systems Americas, Inc. Appeal Br. 2.

³ Claims 3–7 and 11 are cancelled. Appeal Br. 6–7 (Claims App.).

wherein said downstream sealing surface of the at least one segment strip and said downstream surface of said seal housing lie on a single plane.

REFERENCES

In rejecting the claims on appeal, the Examiner relied upon the following prior art:

Addis '923	US 7,000,923 B2	Feb. 21, 2006
Addis '354	US 8,727,354 B2	May 20, 2014
Szymbor	US 2003/0178778 A1	Sept. 25, 2003
Daggett	US 2008/0296846 A1	Dec. 4, 2008

REJECTIONS

The Examiner made the following rejections:

1. Claims 1, 2, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Szymbor.
2. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Szymbor⁴ and Daggett.

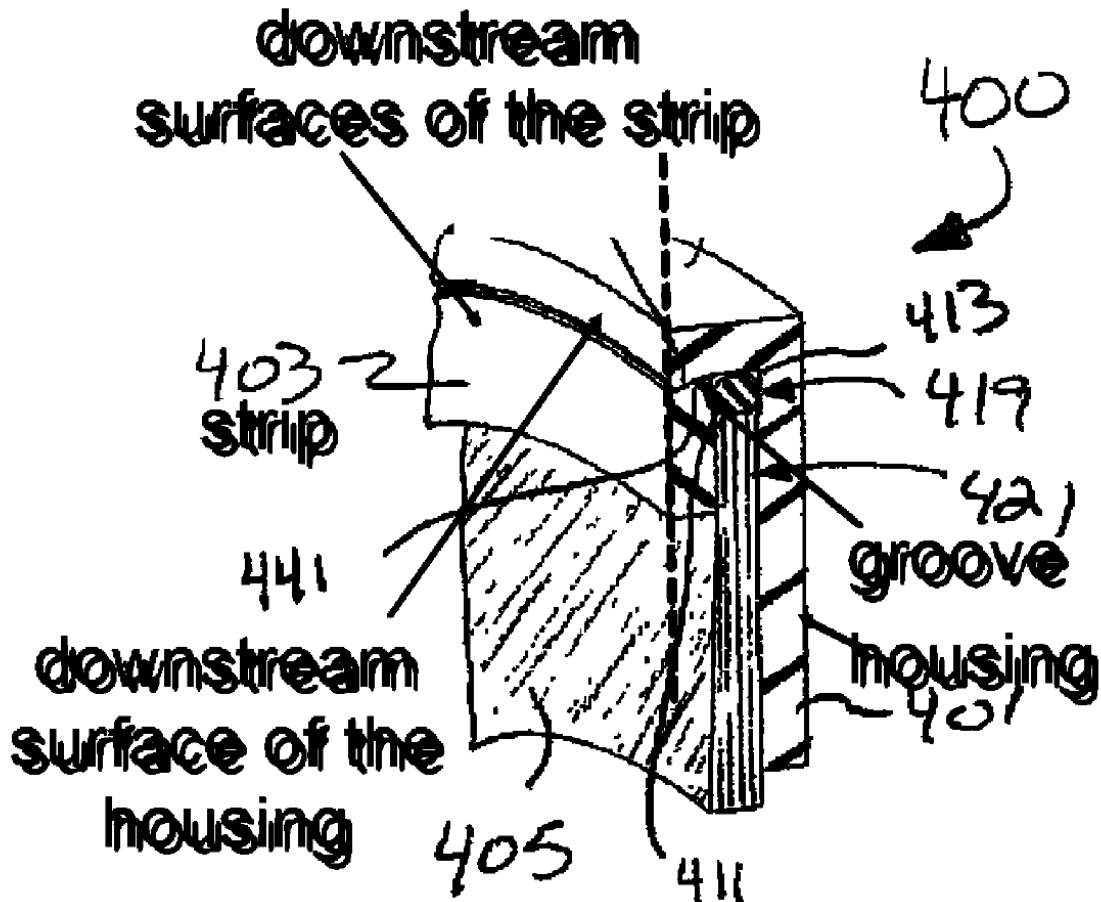
Appellant seeks our review of these rejections.

⁴ The summary statement references “Addis et al.,” not Szymbor, but states that “Addis discloses the invention as claimed above” in Rejection 1, which is based on Szymbor. Final Act. 5. Appellant states that claim 10 is rejected as obvious over Szymbor and Daggett. Appeal Br. 3. Thus, we understand that the Examiner’s summary statement erroneously references Addis et al. instead of Szymbor. Because we reverse Rejection 1 based on Szymbor and neither Addis nor Daggett remedy the deficiencies in Szymbor, the issue as to whether the rejection of claim 10 is based upon Addis/Daggett or Szymbor/Daggett is moot.

DISCUSSION

*Rejection 1: Claims 1, 2, 8, and 9
as Anticipated By Szymbor*

The Examiner finds that Szymbor discloses all of the limitations of independent claim 1. Figure 4 of Szymbor, as annotated by the Examiner, is reproduced below:



The Examiner states that annotated Figure 4 illustrates the limitations in claim 1. Ans. 3–4. In particular, the Examiner finds that the recited “sealing housing” is taught by Szymbor’s back plate 401 and the recited “segment strip” is taught by Szymbor’s side plate 403. Final Act. 3. The Examiner

also finds that the limitation reciting that the sealing housing has a “groove” is taught by Szymbor’s “groove having 403.” *Id.*; Ans. 3.

Appellant asserts that Szymbor does not disclose all of the limitations of claim 1. Appeal Br. 3–5; Reply Br. 2–3. In particular, Appellant asserts that Szymbor’s back plate 401 (i.e., the recited sealing housing) does not have a “groove [which] is configured to accept the geometry of the at least one segment strip” (i.e., side plate 403) as recited in claim 1. Reply Br. 2–3. We agree.

Szymbor discloses that the “plates 401, 403 include grooves 411, 413 that combine to form a cavity 419 for receiving a joint 409 of the bristle arrangement 405,” but does not disclose that back plate 401 has a groove for receiving side plate 403 (i.e., the recited segment strip). Szymbor ¶ 51. Instead, Szymbor states that:

Rather than using a separate retainer, the brush seal 400 uses features on the plates 401, 403 to retain the plates 401, 403 together. Specifically, the back plate 401 includes an upper extension 437 with an angled surface 439 facing the side plate 403. Likewise, the side plate 403 has an angled surface 441 facing the back plate 401.

Szymbor ¶ 52. Referring to annotated Figure 4 above, we find that, while Szymbor’s back plate 401 and side plate 403 have angled surfaces 439, 441, respectively, which abut against each other, back plate 401 (i.e., seal housing) does not have a groove that accepts the side plate 403 (i.e., segment strip) as recited in claim 1.

We find that Szymbor does not disclose all of the limitations in claim 1 and, thus, the Examiner’s rejection of claim 1 based on Szymbor is reversed. Similarly, the rejection of claims 2, 8, and 9, which depend from claim 1, is reversed.

*Rejection 2: Claim 10
as Unpatentable Over Szymbor and Daggett*

The Examiner's rejection of claim 10, which depends from claim 1, does not remedy the deficiencies of Szymbor as discussed above in connection with claim 1. Thus, the rejection of claim 10 is reversed.

CONCLUSION

In summary:

Claims Rejected	Basis (35 U.S.C.)	Affirmed	Reversed
1, 2, 8, 9	§ 102 Szymbor		1, 2, 8, 9
10	§ 103 Szymbor, Daggett		10
Overall Outcome			1, 2, 8-10

For the above reasons, the Examiner's rejections of claims 1, 2, and 8-10 is REVERSED.

REVERSED