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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/738,052	05/13/2010	Markus Anliker	Q118513	8799
23373	7590	01/27/2020	EXAMINER	
SUGHRUE MION, PLLC 2000 PENNSYLVANIA AVENUE, N.W. SUITE 900 WASHINGTON, DC 20006			DUNIVER, DIALLO IGWE	
			ART UNIT	PAPER NUMBER
			3761	
			NOTIFICATION DATE	DELIVERY MODE
			01/27/2020	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARKUS ANLIKER

Appeal 2018-005392
Application 12/738,052
Technology Center 3700

Before EDWARD A. BROWN, JAMES P. CALVE, and JILL D. HILL,
Administrative Patent Judges.

CALVE, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the decision of the Examiner to reject claims 1–3, 5–13, 18–21, and 25–27. Appeal Br. 12. Claims 4, 14–17, and 22–24 are cancelled. *Id.* at 30–34 (Claims App.). We have jurisdiction under 35 U.S.C. § 6(b). Appellant’s representative appeared at an oral hearing conducted on January 7, 2020.

We REVERSE.

¹ “Appellant” refers to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies Rancilio Group S.P.A. as the real party in interest. Appeal Br. 2.

CLAIMED SUBJECT MATTER

Claims 1 and 13 are independent. Claim 1 is reproduced below.

1. A coffee machine for preparation of an espresso, the coffee machine comprising:
 - a button that when pressed triggers automatic preparation by the machine of the espresso;
 - a housing with a first set of components arranged therein for the preparation and dispensing of coffee in a container and a second set of components for the supply of at least hot water and steam, wherein:
 - the housing is subdivided by a partition into two compartments, a first compartment that is a front compartment positioned to face the container to receive coffee for consumption and containing the first set of components, said first set of components comprising a powder preparation component, at least one brewing group and a dispensing component for dispensing the espresso, and a second compartment that is a rear compartment containing a carrier element, the carrier element containing the second set of components for the supply of at least hot water and steam to the components for dispensing the coffee contained in the first compartment,
 - said second set of components comprising a water line for supplying water, a pump and a first boiler and a second boiler, the first boiler configured for the supply of hot water under pressure to the dispensing component for espresso preparation and the second boiler configured for the supply of steam under pressure to the dispensing component for espresso preparation;
 - wherein the carrier element is slidably removable from corresponding electrical and water connections within the second compartment as a module, together with the first boiler and the second boiler and the pump; and
 - wherein the pump feeds both the first boiler for the supply of hot water and the second boiler for the supply of steam under pressure to the at least one brewing group and the espresso is dispensed by the dispensing component for espresso preparation.

REJECTIONS

Claims 1–3, 7–13, 18–21, and 25–27 are rejected under 35 U.S.C. § 103(a) as unpatentable over Zanin (US 5,813,318, iss. Sept. 29, 1998), In-Albon (US 5,957,033, iss. Sept. 28, 1999) (hereinafter “Albon”)², and Karg (US 6,101,923, iss. Aug. 15, 2000).³

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as unpatentable over Zanin, Albon, Karg, and Lüssi (US 5,367,947, iss. Nov. 29, 1994).

ANALYSIS

*Claims 1–3, 7–13, 18–21, and 25–27
Rejected over Zanin, Albon, and Karg*

Regarding claims 1 and 13, the Examiner finds that Zanin teaches a coffee machine having a housing (frame 13) divided by a partition wall into a first compartment containing a first set of components for preparing and dispensing espresso (injection groups 40, 41) and a second compartment containing a second set of components for supplying hot water and steam. Final Act. 2–3, 8–9. In particular, the Examiner finds that the first set of components 40, 41 includes a powder preparation component (strainer 58), at least one brewing group (injection groups 40, 41), and a dispensing component for dispensing espresso (spigots 44, 45), and the second set of components comprises a first boiler (single heating unit 25 with double-boiler cartridges 27, 28) and a second boiler (central heating unit 20). *Id.* The Examiner relies on Albon to teach a slidable carrier element and Karg to teach a pump that feeds both a first and second boiler. *Id.* at 3–5, 10–11.

² The parties refer to this reference as “Albon.” Final Act. 2; Appeal Br. 14.

³ We consider the inclusion of claim 16 and omission of claims 25–27 in the caption of this rejection as typographical errors where claim 16 is cancelled, and the rejection includes findings for claims 25–27. Final Act. 2, 12–14.

Appellant argues that Zanin does not teach a first compartment containing a first set of components comprising a powder preparation component, at least one brewing group, and a dispensing component for dispensing espresso as recited in claims 1 and 13. Appeal Br. 16–18. Appellant argues that the Specification describes the first compartment as structure that encloses a space and contains or comprises the first set of components whereas Zanin has a single housing 13, and the Examiner identifies an open space outside of housing 13 as containing a first set of components, namely, injection groups 40, 41, spigots 44, 45, and strainer 58. Reply Br. 7–10; *see* Appeal Br. 16–18. Appellant argues that the powder preparation component grinds coffee beans to create coffee powder. Appeal Br. 16–18; Reply Br. 5–6 (citing Spec. ¶¶ 2, 10). Appellant also argues that the Examiner’s treatment of Zanin’s strainer 58 as the claimed “powder preparation component” is unsupported because “[a] strainer in no way prepares or makes powder.” Reply Br. 10.

Resolution of this dispute turns on the interpretation of “first compartment,” “housing,” and “powder preparation component.”

During examination, the PTO gives claims their broadest reasonable interpretation consistent with the specification and express claim language as interpreted by a skilled artisan. *In re Suitco Surface, Inc.*, 603 F.3d 1255, 1259–60 (Fed. Cir. 2010); *see In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997) (“the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant’s specification.”).

“Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification and prosecution history.” *Trivascular, Inc. v. Samuels*, 812 F.3d 1056, 1062 (2016) (citing *Suitco Surface*, 603 F.3d at 1260) (“While the broadest reasonable interpretation standard is broad, it does not give the Board an unfettered license to interpret the words in a claim without regard for the full claim language and the written description.”). “[U]se of the words in the context of the written description and customarily by those of skill in the relevant art that accurately reflects both the ‘ordinary’ and ‘customary’ meaning of the terms in the claims.” *Id.* (citation omitted).

We interpret “housing” as “a case or enclosure (as for a mechanical part or an instrument).” Merriam-Webster.com at “<http://www.merriam-webster.com/dictionary/housing>” (accessed Dec. 18, 2019). We interpret “compartment” as “a separate division or section” or “one of the parts into which an enclosed space is divided.” Merriam-Webster.com at “<http://www.merriam-webster.com/dictionary/compartment>” (accessed Dec. 18, 2019).

These meanings are consistent with the limitations “a housing with a first set of components arranged therein for the preparation and dispensing of coffee in a container” “the housing is subdivided by a partition into . . . a first compartment . . . containing the first set of components” and a second compartment containing other elements in claim 1. Claim 13 also recites “a housing comprising at least a first compartment and a second compartment, the first compartment separated from the second compartment by a partition wall,” “the first compartment comprising a first set of components, including a powder preparation component” and the second compartment comprises other elements. Appeal Br. 29, 32–33 (Claims App.).

Thus, claims 1 and 13 use “housing” to mean a case or enclosure for a first set and a second set of components also contained in a first or a second compartment of the housing. The claims use “compartment” to mean a separate division or section into which the space enclosed by the housing is divided by a partition wall. The compartments contain sets of components.

These ordinary meanings also are consistent with the Specification, which describes housing 1 as including front face 2, side walls 3, back wall 4, bottom 5, and an upper covering (not shown) that encloses a space that is divided into a front compartment 8 and rear compartment 9 by partition 6. Spec. ¶ 10. Front compartment 8 contains components for preparing and pouring the coffee to include a powder preparation component, brewing groups, and drive and control means. *Id.* Rear compartment 9 contains the components for the hot water supply and the steam supply arranged therein. *Id.* Figures 1 and 2, reproduced below, show Appellant’s coffee machine.

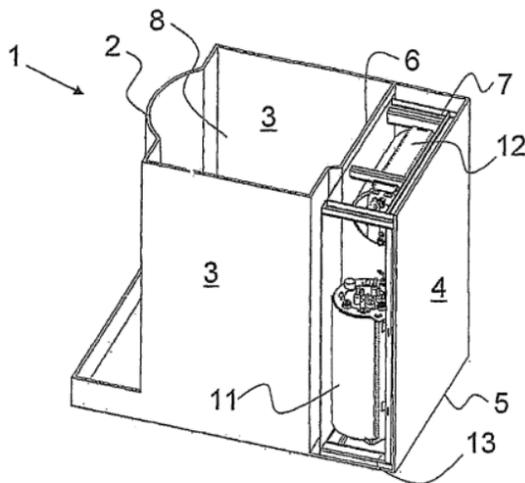


Fig. 1

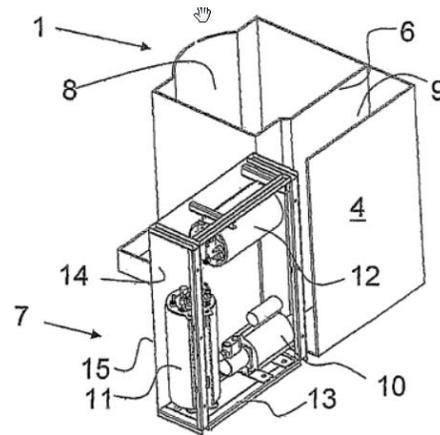


Fig. 2

Figures 1 and 2 above illustrate housing 1 divided into front 8 and rear compartment 9 by partition 6. Spec. ¶¶ 10, 11. Rear compartment 9 contains slidable carrier 7 with boilers 11, 12. *Id.* The coffee preparation components contained in front compartment 8 are not shown. *Id.* ¶ 10.

In contrast to the claimed housing and its front compartment, Zanin discloses a coffee maker with a single housing (casing 14) without separate compartments as illustrated in Figures 1 and 3, which are reproduced below.

FIG. 1

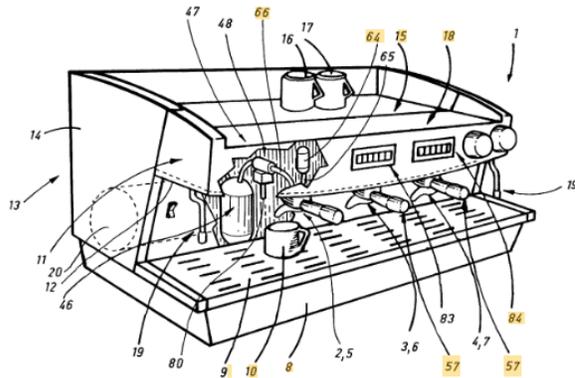


FIG. 3

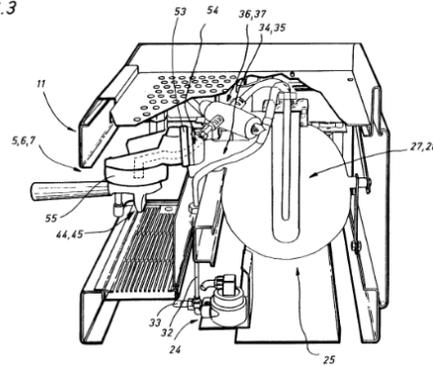
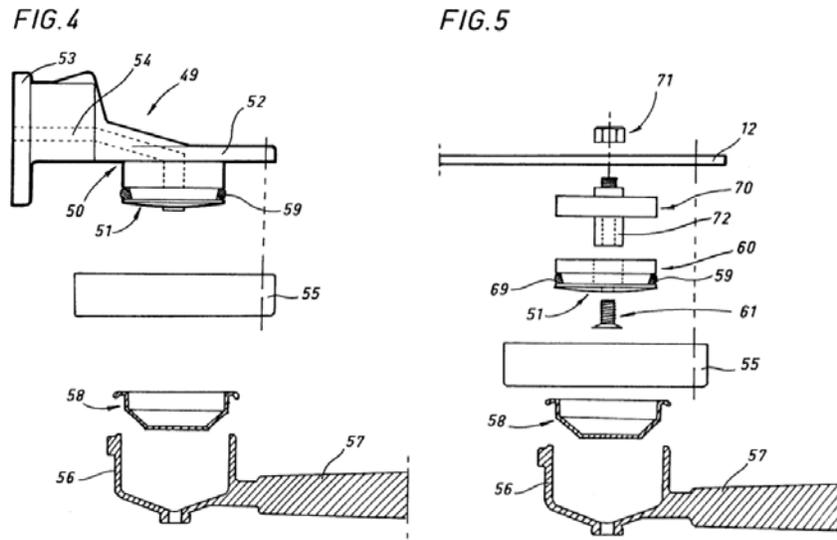


Figure 1 above shows machine 1, case 14, and front portion 11 with coffee preparation posts 2, 3, 4 and injection groups 5, 6, 7 outside of those elements. Zanin, 3:25–39. Figure 3 above shows injection group 5, 6, 7 and double spigot 44, 45 *unenclosed* below front portion 11. *Id.* at 4:5–45.

Case 14 forms a housing that contains heating unit 20 and cartridges 27, 28. *Id.* at 3:40–65. The elements cited by the Examiner as a first set of coffee preparation components, i.e., strainer 58, brewing groups 40, 41, and dispensing component 44, 45 (Final Act. 3), are arranged *outside* of case 14. They are not contained in case 14 or a front compartment as claimed.

Front portion 11 does not form a front compartment that *encloses* any coffee preparation components. Instead, coffee preparation posts 2, 3, 4 and injection groups 5, 6, 7 are arranged outside of case 14 and front portion 11 as individual units. Zanin, 4:7–25, 5:4–9. Cup-shaped coffee strainer 58 is located outside case 14 at each post 2, 3, 4 to contain lightly packed ground coffee. *Id.* at 4:46–48. Hot water from injection element 60 passes through the coffee contained in strainer 58. *Id.* at 4:42–5:30.

Figures 4 and 5 of Zanin are reproduced below to illustrate strainer 58 at a coffee preparation post 5, 6, 7.



Figures 4 and 5 above illustrate an injection group with handle 57, strainer 58, cup holder 55, injection element 60, and sprayer 51. *Id.* at 5:4–67. Strainer 58 *holds* ground coffee. *Id.* at 4:46–52. Strainer 58 is not used to *grind* coffee beans. Thus, it is not a “powder preparation component,” which the Specification describes as a device that grinds coffee into powder. *See Spec.* ¶¶ 2, 10. The Examiner’s reliance on Albon to teach a slidable carrier and Karg to teach a pump does not remedy these deficiencies.

For the foregoing reasons, we do not sustain the rejection of claims 1 and 13 or their respective dependent claims 2, 3, 7–12, 18–21, and 25–27.

*Claims 5 and 6
Rejected over Zanin, Albon, Karg, and Lüssi*

The Examiner’s reliance on Lüssi to teach features of claims 5 and 6 does not remedy the deficiencies of Zanin, Albon, and Karg discussed above as to claim 1 from which claims 5 and 6 depend indirectly.

CONCLUSION

Claims Rejected	35 U.S.C. §	Reference/Basis	Affirmed	Reversed
1-3, 7-13, 18-21, 25- 27	103(a)	Zanin, Albon, Karg		1-3, 7-13, 18-21, 25- 27
5, 6	103(a)	Zanin, Albon, Karg, Lüssi		5, 6
Overall Outcome				1-3, 5-13, 18-21, 25- 27

REVERSED