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15/188,564	06/21/2016	Donald A. Wilson	WIL-101	3380
2387	7590	09/29/2020	EXAMINER	
Olson & Cepuritis, LTD. 20 NORTH WACKER DRIVE 36TH FLOOR CHICAGO, IL 60606			TAYLOR, JON S	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* DONALD A. WILSON

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Appeal 2020-000538  
Application 15/188,564  
Technology Center 3700

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Before DANIEL S. SONG, BRETT C. MARTIN, and  
MICHELLE R. OSINSKI, *Administrative Patent Judges*.

MARTIN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1–6. Oral arguments were heard in this case on September 15, 2020, a transcript of which will be entered into the record in due course. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> 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 Donald A. Wilson. Appeal Br. 1.

CLAIMED SUBJECT MATTER

The claims are directed “to a tire changing device that can be readily adapted for use with a wide variety of tire sizes.” Spec. 1, ll. 8–9. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A tire changer comprising
  - a hollow base bar having an open end and a rectangular cross-section;
  - a threaded rim centering shaft carried by the hollow base bar;
  - a wheel rim locking clamp threadedly received on the rim centering shaft;
  - a L-shaped member having a mounting arm slidably received in the hollow base bar and an upstanding support arm;
  - a bead breaker arm slidably mounted to the upstanding support arm and having a distal end portion; and
  - an elongated bead breaker assembly threadedly mounted to the bead breaker arm at the distal end portion thereof;
  - the bead breaker assembly including a bead breaking tool defining a pair of contiguous, substantially planar tire contact surfaces defining an included angle of about 155 to about 165 degrees therebetween and situated at an included angle of about 55 degrees to about 65 degrees with respect to longitudinal axis of the bead breaker assembly.

REFERENCES

The prior art relied upon by the Examiner is:

<b>Name</b>	<b>Reference</b>	<b>Date</b>
Blomgren, Sr. et al. (“Blomgren”)	US 3,942,575	Mar. 9, 1976
Bubik	US 4,357,977	Nov. 9, 1982
Burge	US 4,995,439	Feb. 26, 1991

REJECTION

Claims 1–6 are rejected under 35 U.S.C. § 103 as being unpatentable over Blomgren, in view of Burge and Bubik. Final Act. 5.

Claims Rejected	35 U.S.C. §	Reference(s)/Basis
1–6	103	Blomgren, Burge, Bubik

OPINION

*Obviousness*

Although the Examiner purports to find most of the structural elements of claim 1 in Blomgren, the Examiner appears to overlook how those various structures interact as recited in the claims. Appellant first argues that the Examiner’s interpretation of the term “base” in “hollow base bar” is unreasonably broad because the term “base” implies that whatever is considered the base “is the bottom of any object, when considered as its support, or that on which it stands or rests.” Reply Br. 3. Although it may be possible for structure to be considered a base without being the bottom-most element, we do not agree that this is such a situation.

Here, the Examiner appears to have arbitrarily selected arm section 61 of Blomgren as meeting the hollow base bar simply because it is hollow, is a bar, and is located so as to allow for some other claim limitations to be met. Arm 61 does not even carry any other structural elements above it. Furthermore, arm 61 is supported itself by arm 63, which in turn mounts to arm 55a, which is supported by flanges 56. Any one of these other structures is more akin to a base than arm 61 and, we, therefore, cannot agree that the Examiner’s interpretation of the term “base” is correct.

As for the rim centering shaft, the Examiner is correct that shaft 62 is threaded, but Appellant is correct that it performs no centering function. Reply Br. 4. Any centering that is done is accomplished via mounting the tire changing device to the rim via mounting holes 31. We, likewise, find the Examiner's interpretation of the centering shaft to be in error.

The Examiner also misapplies the term "rim locking clamp" in applying it to Blomgren. Element 54 in Blomgren is simply a shaft that performs no clamping function whatsoever. Appellant is correct that "Blomgren's tire changer is held in place on wheel rim 35 by the bolts that pass through matching holes 31 and 60." Reply Br. 4. Because shaft 54 performs no clamping function, we find the Examiner's interpretation to be in error.

The Examiner also erred in interpreting the claimed L-shaped member. In keeping with the Examiner's overall interpretation of the claims, here, the Examiner appears to have simply looked at Blomgren to find something that was L-shaped, without considering any of the other requirements as to what the L-shaped member does. Appellant is correct, however, that "Blomgren's end wall 64 and jack screw are separate structural elements that have an entirely different functionality, and do not constitute the claimed L-shaped member having an upstanding support arm and a mounting arm slidably received in a hollow base bar." Reply Br. 4.

Although the Examiner erred in numerous other ways, we will only directly address one other limitation, which is that of the configuration of the bead breaker tool itself. The claims call for "a pair of contiguous, substantially planar tire contact surfaces defining an included angle of about 155 to about 165 degrees therebetween." The Examiner simply finds this limitation in its totality to be an obvious design choice. Final Act. 7. The

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Examiner's closest appearing bead breaking tools are found in Burge and Bubik. Each of these tools, however is curved in shape and does not amount to contiguous planes meeting at a specific angle as required by the claims. The Examiner has provided no explanation whatsoever as to how curved bead breakers can be considered two planar surfaces. At least for the reasons stated above, we do not sustain the Examiner's rejection.

### CONCLUSION

The Examiner's rejection is REVERSED.

More specifically,

### DECISION SUMMARY

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-6	103	Blomgren, Burge, Bubik		1-6

REVERSED