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CARLSON, GASKEY & OLDS/PRATT & WHITNEY 400 West Maple Road Suite 350 Birmingham, MI 48009			SUNG, GERALD LUTHER	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GABRIEL L. SUCIU, BRIAN MERRY, and
CHRISTOPHER M. DYE

Appeal 2020-000644
Application 15/943,100
Technology Center 3700

Before ANNETTE R. REIMERS, PAUL J. KORNICZKY, and
BRENT M. DOUGAL, 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 to reject claims 1–7, 10, 11, 17–23, and 28–30. *See* Final Act. 1; Ans. 3, 13. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

The claims are directed to a gas turbine engine. Claim 1, reproduced below, is the only pending independent claim:

1. A turbine engine comprising:
 - a fan case surrounding a fan rotatable about an axis;
 - a core supported relative to the fan case by a support structure and arranged downstream from the fan, the core including a core housing having an inlet case arranged to receive airflow from the fan, a compressor case axially adjacent to the inlet case and surrounding a compressor stage having a rotor blade with a blade trailing edge, wherein an intermediate case is arranged between the compressor case and a high pressure compressor case; and
 - wherein the support structure includes a support structure leading edge facing the fan and a support structure trailing edge on a side opposite the support structure leading edge, and the support structure trailing edge arranged axially forward of the blade trailing edge, wherein a forward attachment extends from the support structure to the inlet case, wherein the forward

¹ In this Decision, we refer to (1) the Examiner's Final Office Action dated March 7, 2019 ("Final Act."), Advisory Action dated May 23, 2019 ("Adv. Act."), and Answer dated September 9, 2019 ("Ans."), and (2) Appellant's Appeal Brief dated August 7, 2019 ("Appeal Br.") and Reply Brief dated November 5, 2019 ("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 Raytheon Technologies Corporation (formerly United Technologies Corporation). Update to Real Party in Interest, dated April 23, 2020.

attachment extends radially outward and rearward from the inlet case.

REFERENCES

The prior art relied upon by the Examiner is:

Name	References	Date
Orlando	US 2008/0098714 A1	May 1, 2008
Adamson	US 4,055,041	Oct. 25, 1977
Hawkins	US 6,183,388 B1	Feb. 6, 2001
Breeze-Stringfellow	US 6,325,595 B1	Dec. 4, 2001
Clark	US 3,797,561	Mar. 19, 1974
Koertge	US 5,197,856	Mar. 30, 1993
Ress	US 6,076,835	June 20, 2000

REJECTIONS

1. Claims 1, 3–7, 10, 11, 17–23, and 28 stand rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1–12 of U.S. Patent No. 9,957,918.

2. Claims 1, 2, and 5–7 stand rejected under pre-AIA 35 U.S.C. § 102(e) as being anticipated by Orlando.

3. Claims 3 and 4 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Orlando and Adamson.

4. Claims 10, 11, and 17 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Orlando, Hawkins, and Breeze-Stringfellow.

5. Claims 17 and 21–23 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Orlando, Adamson, Hawkins, and Breeze-Stringfellow.

6. Claim 28 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Orlando and Clark.

7. Claims 29 and 30 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Orlando, Koertge, or Ress.

Appellant seeks our review of these rejections.

OPINION

Claims 1, 3–7, 10, 11, 17–23, and 28—Nonstatutory Double Patenting

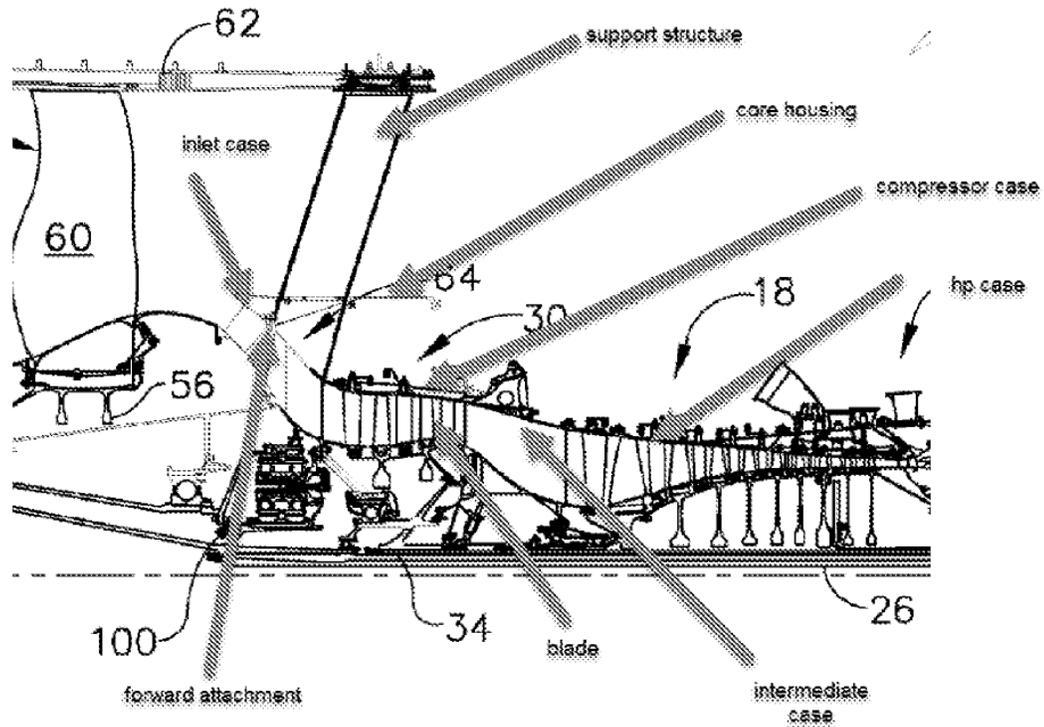
Claims 1, 3–7, 10, 11, 17–23, and 28 stand rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1–12 of U.S. Patent No. 9,957,918. Final Act. 3. Appellant states that, if all other issues are deemed resolved, Appellant will review the then-pending claims to determine whether a terminal disclaimer is warranted and, if so, will file a terminal disclaimer over the cited patent. Appeal Br. 2–3. Thus, in view of Appellant’s lack of argument over the rejection, it is summarily sustained.

Claims 1, 2, and 5–7—Anticipated by Orlando

The Examiner finds that Orlando discloses all of the limitations of claims 1, 2, and 5–7. Final Act. 7–8; Adv. Act. 2; Ans. 13–19. Appellant argues these claims as a group. Appeal Br. 3. We select independent claim 1 as the representative claim, and claims 2 and 5–7 stand or fall with claim 1. 37 C.F.R. § 41.37(c)(1)(iv).

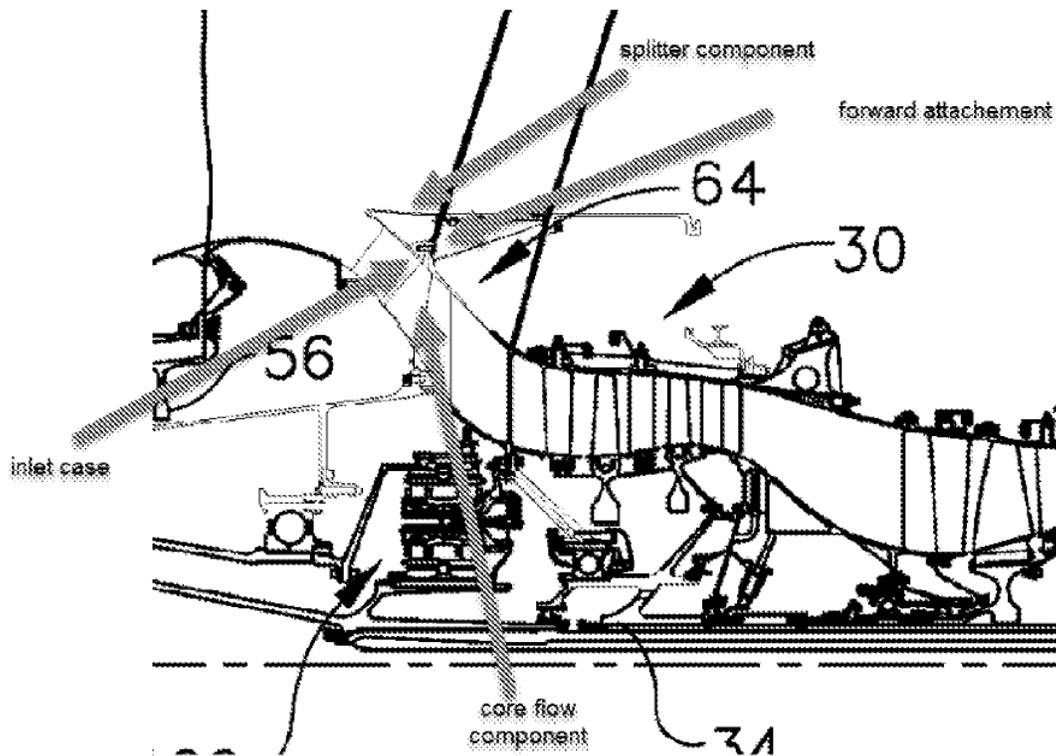
Claim 1 recites that “a forward attachment extends from the support structure to the inlet case, wherein the forward attachment extends radially outward and rearward from the inlet case.” To support the finding that Orlando taught this limitation, the Examiner provided two annotated figures

from Orlando. Final Act. 7, Ans. 16, 17. The Examiner's first annotated Figure 1 of Orlando is reproduced below.



Annotated Figure 1 of Orlando above “is a cross-sectional view of a turbofan engine assembly.” Orlando ¶ 5. According to the Examiner, this first annotated Figure 1 of Orlando above illustrates the limitations in claim 1.

The Examiner's second annotated Figure 1 is reproduced below.



In this second annotated Figure 1 of Orlando above, the Examiner relabeled certain elements to illustrate his understanding of Orlando and to clarify that the forward attachment is the small flange extending from the support structure. Ans. 17.

The Examiner finds that these figures show that the forward attachment (1) “extends from the support structure to the inlet case” and (2) “extends radially outward and rearward from the inlet case” as recited in claim 1. Final Act. 7–8; Ans. 17–18. The Examiner also finds that Orlando’s forward attachment is analogous to the forward attachment 78 disclosed in the Specification. Ans. 14, 17–18.

Figure 4 of Appellant's Drawings is reproduced below.

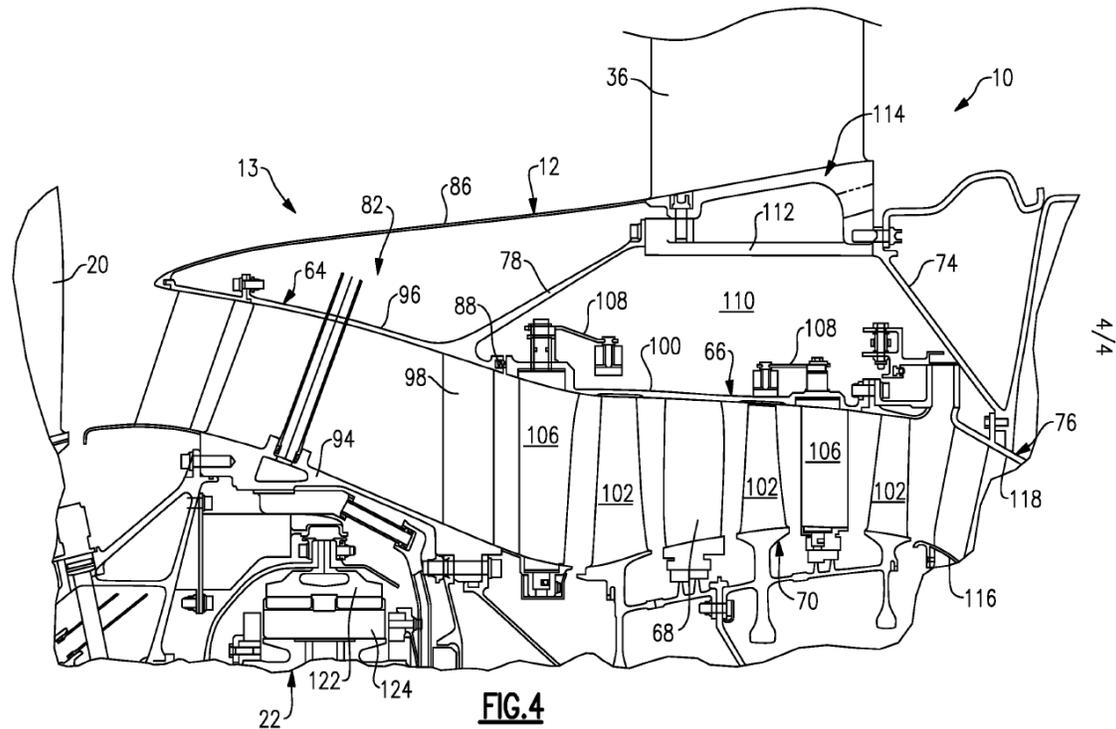


Figure 4 above illustrates an enlarged cross-sectional view of a case mounting arrangement at an intersection between an inlet case and a low pressure compressor case. Spec. ¶ 11. According to the Examiner, the claimed forward attachment is element 78 and the inlet case is element 64. *Id.* at ¶¶ 16–17; Ans. 14, 17–18.

Appellant argues that the Examiner's rejection is erroneous for several reasons. First, Appellant argues that Orlando does not have a component that is analogous to Appellant's forward attachment 78. Reply Br. 1. According to Appellant, the "structure of Orlando that the Examiner identifies that is outside the core flow does not 'extend from' the support structure, as required of the claims. Instead, the structure of Orlando is entirely within the support structure." *Id.* Appellant's argument is not persuasive. Claim 1 recites that the "forward attachment extends from the

support structure to the inlet case.” Neither claim 1 nor the Specification prohibit the forward attachment from being within the support structure. Appellant’s argument is not commensurate with the scope of claim 1.

Second, Appellant argues that, to “the extent the Examiner points to the flange forward of the support structure, this does structure does not ‘extend radially outward and rearward’ as required of the claims.” *Id.* at 2. Appellant’s argument is not persuasive because Orlando’s enlarged Figure 1 above discloses that the flange (i.e., the “forward attachment” as annotated by the Examiner) extends outward and rearward, as recited in claim 1.

For the reasons above, the Examiner’s rejection of claim 1 is sustained. Claims 2 and 5–7 fall with claim 1.

*Claims 3, 4, 10, 11, 17, 21–23, and 28–30—
Obviousness over Orlando and any of Adamson, Hawkins,
Breeze-Stringfellow, Clarke, Koertge, and/or Ress*

Appellant merely states that “[t]he addition of the teachings of Adamson does not cure the above noted deficiencies with respect to Orlando and base claim 1.” Appeal Br. 4. As such, Appellant does not apprise us of error in the Examiner’s rejections of these claims.

Accordingly, we sustain the Examiner’s obviousness rejections of claims 3, 4, 10, 11, 17, 21–23, and 28–30 as being unpatentable over Orlando and any of Adamson, Hawkins, Breeze-Stringfellow, Clarke, Koertge, and/or Ress.

CONCLUSION

The Examiner’s rejections of the claims are AFFIRMED.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 3–7, 10, 11, 17–23, 28		Nonstatutory double patenting	1, 3–7, 10, 11, 17–23, 28	
1, 2, 5–7	102(e)	Orlando	1, 2, 5–7	
3, 4	103(a)	Orlando, Adamson	3, 4	
10, 11, 17	103(a)	Orlando, Hawkins, Breeze-Stringfellow	10, 11, 17	
17, 21–23	103(a)	Orlando, Adamson, Hawkins, Breeze-Stringfellow	17, 21–23	
28	103(a)	Orlando, Clarke	28	
29, 30	103(a)	Orlando, Koertge, Ress	29, 30	
OVERALL OUTCOME			1–7, 10, 11, 17–23, 28–30	

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED