UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARKUS ROSAM, MIKAEL TEKNEYAN, and HISHAM KAMAL

Appeal 2014-004600
Application 13/356,928
Technology Center 3700

Before STEFAN STAICOVICI, LYNNE H. BROWNE, and JAMES J. MAYBERRY, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Markus Rosam et al. (Appellants) appeal under 35 U.S.C. § 134 from the rejection of claims 12–14. An oral hearing was held on August 4, 2016. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

CLAIMED SUBJECT MATTER

Claim 12, reproduced below, is illustrative of the claimed subject matter:

> 12. A method for operating a feeding device for in-line screw machines with a shaft that rotates in a feed container and exhibits a screw that conveys in the direction toward the longitudinal axis of the rotating shaft, wherein a first disk wheel is allocated to a first longitudinal side in the feed container, a second disk wheel is allocated to a second longitudinal side in the feed container, the first disk wheel is rotated by a first drive, the second disk wheel is rotated by a second drive separate from the first drive, and the first drive and second drive are separate from the shaft that rotates in the feed container and exhibits the screw that conveys in the direction toward the longitudinal axis of the rotating shaft characterized by the following points:
>
> The first disk wheel and the second disk wheel are separately powered by first drive and second drive, respectively;
>
> The disk wheels move and/or loosen a compacted conveying medium in the feed container; and
>
> The disk wheels are rotated against or in the conveying direction of a screw.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Tauriainen	US 1,755,674	Apr. 22, 1930
Gericke	US 4,496,083	Jan. 29, 1985

REJECTIONS

I. Claims 12 and 13 stand rejected under35 U.S.C. § 102(b) as anticipated by Tauriainen.

II. Claims 12–14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Tauriainen and Gericke.

DISCUSSION

Rejection I

The Examiner finds that Tauriainen discloses each and every limitation of independent claim 12. *See* Final Act. 2. In particular, the Examiner finds that Tauriainen discloses "a separate power source 17 which may be separate from the drive for screw 9 as disclosed on page 1, lines 77-90 in order to drive the wheels 12 at a separate speed from screw 9 as claimed." *Id.*

Appellants argue that "Tauriainen fails to disclose, teach, or suggest that the first drive and the second drive are separate from the shaft that rotates in the feed container as required by independent claim 12." Appeal Br. 12.

Tauriainen states:

> A transverse horizontal shaft 15 is mounted in appropriate bearings 16 at the outer end 14 of the hopper 5 and two vertical spur gears 17 *are secured* to this shaft, said gears meshing with the gears 13 toward the hopper end 14. While the gears 17 are vertical and the gears 13 inclined, I find that with loose meshing, I can cause said gears 17 to satisfactorily drive the gears 13 for the purpose of rotating the agitators 12.

Tauriainen, p. 1, ll. 59–68 (emphasis added). Tauriainen further states:

> Suitable provision is preferably made for driving the shaft 15 *by means of the same motor which drives the screw conveyor 9* and as it may be advisable to drive the agitators 12 at different speeds according to the character of the fuel or the like being fed, provision may be made for attaining this end. Upon shaft 15, I have shown a relatively large spur gear 18 and upon a motor driven shaft 19 I have shown comparatively small and large gears 20-21. Gear 20 is shown in mesh with gear 18 but appropriate provision may be made whereby the necessary movement of parts may take place to allow the larger gear 21 to mesh with said gear 18, thereby driving the latter at a greater speed.

Id. at ll. 74–90 (emphasis added). Thus, we understand the different speeds of wheels 12 obtained by Tauriainen's gears to be the result of differences in gear size/ratio, rather than separate drives. More specifically, as Tauriainen's motor drives shaft 15, wheels 17, and screw 9, Tauriainen fails to teach that "the first drive and second drive are separate from the shaft that rotates in the feed container," as required by independent claim 12. Accordingly, the Examiner's finding is in error. For this reason, we do not sustain the Examiner's decision rejecting independent claim 12, and claim 13 which depends therefrom, as anticipated by Tauriainen.

Rejection II

The Examiner's rejection of claims 12–14 as unpatentable over the combined teachings of Tauriainen and Gericke relies upon the same erroneous finding as Rejection I discussed *supra*. *See* Ans. 5 (stating that "Gericke does not teach the separate drives. However, Gericke is only relied upon for teaching the disk wheels to be full circles and to rotate separately in different directions (claim 14)."). Accordingly, we do not sustain the Examiner's decision rejecting claims 12–14 as unpatentable over Tauriainen and Gericke for the same reason we do not sustain Rejection I.

DECISION

The Examiner's rejections of claims 12–14 are REVERSED.

REVERSED