



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/338,221	01/23/2006	James E. Freidell	402-085	6464
	7590	01/13/2012	EXAMINER	
Mark P. Stone Attorney at Law 400 Columbus Avenue Valhalla, NY 10595			WILLIAMS, MONICA L	
			ART UNIT	PAPER NUMBER
			3644	
			MAIL DATE	DELIVERY MODE
			01/13/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES E. FREIDELL

Appeal 2010-000971
Application 11/338,221
Technology Center 3600

Before: JOHN C. KERINS, GAY ANN SPAHN, and
WILLIAM V. SAINDON, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 25-41, 44-48, and 52. We have jurisdiction under 35 U.S.C. § 6(b). The disclosed subject matter is generally directed to a pet grooming tool. Claim 25, reproduced below, is illustrative of the claimed subject matter.

25. An apparatus comprising:
- (a) a vacuum nozzle having a hollow body terminating in a mouth opening and attachable to a vacuum source; and
 - (b) a grooming blade spanning the mouth opening, the grooming blade having a plurality of teeth on the sides of which are formed sharp edges, the grooming blade having two sides and positioned with respect to the mouth opening to allow negative airflow created by the vacuum source to flow over the two sides of the grooming blade, during grooming operations as the grooming blade is pushed or pulled across a pet's coat, the negative airflow lifts top coat hair of the pet's coat to expose undercoat hair to the sharp edges of the grooming blade which are configured to remove ready to be shed undercoat hair by snagging the ready to be shed undercoat hair thereby increasing efficiency of deshedding operations as compared to conventional deshedding operations by eliminating operational strokes and reducing time associated with the deshedding operations.

Rejections

- I. Claims 25, 28, 30, 33, 35, 37, 39, 45-48, and 52 are rejected under 35 U.S.C. § 102(b) as anticipated by Suter (US 1,878,345, iss. Sept. 20, 1932).
- II. Claims 26, 27, 31, 32, 36, 40, and 41 are rejected under § 103(a) as unpatentable over Suter.

III. Claims 29, 34, 38, and 44 are rejected under § 103(a) as unpatentable over Suter and Zaidan (US 3,797,066, iss. Mar. 19, 1974).

We REVERSE.

OPINION

Independent claims 25, 30, and 35 each require a blade to span a mouth opening, to have sharp edges¹, and to have airflow over two sides of the blade. Independent claim 45 is similar, but requires “an animal grooming device” instead of a blade and does not require sharp edges. The Examiner rejected the independent claims as a group as anticipated by Suter. Ans. 3.

The Examiner first found that Suter describes blade 17 and teeth 21. Ans. 3 (referring to combs 17 having triangular teeth 21). Appellant raised the issue of whether Suter’s blades 17 had airflow over both sides of the blade, pointing to the fact that the blades 17 were mounted to the periphery of the mouth opening. App. Br. 5-6; *see* Suter, fig. 1 (noting combs 17 mounted on walls of nozzle 13, to either side of opening 16). In view of this, the Examiner found that airflow passed over both sides of the triangularly shaped agitators 17, the two sides coming together to form a tip. Ans. 5. Essentially, the Examiner found that the air flows over two sides of a single triangular tooth 21, which apparently is also now regarded as the blade. However, a tooth of Suter cannot be the blade of claims 25 and 35 because a tooth in Suter does not have a plurality of teeth or peaks on the tooth. In addition, a tooth cannot be the blade of any of the claims because a

¹ In particular, claim 25 requires the sharp edges to be formed on a plurality of teeth on the blade, claim 35 requires the sharp edges to be formed on a plurality of peaks on the blade, and claim 30 requires merely sharp edges on the blade.

tooth does not span² the mouth opening 16. Instead, a tooth tip is merely next to the opening.

Accordingly, the Examiner has not sufficiently demonstrated that the grooming tool of Suter anticipates the subject matter of independent claims 25, 30, 35, and 45. The Examiner does not make any findings or present any analysis in the obviousness rejections that cure this underlying deficiency.

DECISION

For the above reasons, we reverse the Examiner's decision regarding claims 25-41, 44-48, and 52.

REVERSED

Klh

² A dictionary definition of "span" includes "to cover (as a given space between supports) with a transverse member," "to bridge over," "something conceived of as an extent, stretch, reach, or spread between two definite limits." *Webster's Third New International Dictionary* (1993) (retrieved from lionreference.chadwyck.com) (last visited Jan. 10, 2012).