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10/693,394	10/24/2003	Mikhail Godin	351999-991410	1651
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DLA PIPER US LLP 555 MISSION STREET SUITE 2400 SAN FRANCISCO, CA 94105-2933			DABNEY, PHYLESHA LARVINIA	
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MIKHAIL GODIN

Appeal 2009-012484
Application 10/693,394
Technology Center 2600

Before ALLEN R. MacDONALD, JEFFREY S. SMITH and JASON V.
MORGAN, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Introduction

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1 and 2. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

Exemplary claim 1 under appeal reads as follows:

1. A linear actuator comprising
a core having a longitudinal axis;
a coil shaped for movement along the longitudinal axis of the core; and
a magnet structure positioned along the longitudinal axis of the core;
wherein the core includes first and second portions, each including an end face and a cavity formed in the end face having an axis of symmetry along the longitudinal axis of the core, and further wherein the first and second portions are positioned so that the end faces oppose each other and are separated by a gap.

Appellant's Contention

Appellant contends that the Examiner erred in rejecting claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by Kotsianas (US 5,898,244) because:

Kotsianas et al. does not teach a core including “first and second portions, each including an end face and a cavity formed in the end face ... wherein the first and second portions are positioned so that the end faces oppose each other and are separated by a gap,” as recited in involved independent claim 1.

(App. Br. 8).

Issues on Appeal

Whether the Examiner has erred in rejecting claims 1 and 2 as being anticipated because Kotsianas fails to disclose claim limitations?

ANALYSIS

We agree with the Appellant's above contention. Therefore, Appellant has established that the Examiner erred with respect to the rejection of claims 1 and 2.

CONCLUSIONS

(1) Appellant has established that the Examiner erred in rejecting claims 1 and 2 as being anticipated under 35 U.S.C. § 102(b).

(2) On this record, claims 1 and 2 have not been shown to be unpatentable.

DECISION

The Examiner's rejection of claims 1 and 2 is reversed.

REVERSED

ELD