

DECISION OF THE COMMISSIONER

ANTICIPATION: Substantially the same structure and use as Prior Art.

The structure of the car lift frame and its mounting on lifting devices, and its purpose and function, are substantially inherent in the structure and use shown and described in one of three prior art citations.

FINAL ACTION: Affirmed

This decision deals with a request for review by the Commissioner of Patents of the Examiner's Final Action dated July 14, 1972 on application 072,502. This application was filed in the name of Alipio Lunardini and refers to "Frame For Attachment To Car Lifting Benches".

In the prosecution terminated by the Final Action the examiner refused the allowance of this application on the grounds that it lacks patentable subject matter over the following references:

Canadian Patents:

311,996	Stukenborg
366,824	Myers
631,604	Lawson

In this action the examiner stated in part:

The very brief and schematic disclosure of this application, describes an oblong frame that can be attached to two lifting devices ("benches"). It describes a frame that is made of two longitudinal beams (3), attached (welded) to two transverse beams (4) and having two additional transverse beams (6) which may be attached to the longitudinal beams at different locations. Such frame, when attached to two lifting devices ("benches") may support the body of a vehicle.

The structural differences between applicant's frame and the prior art shown in each of the applied patents, are but results of expected skill and design preferences and may not be relied on for patentability.

Applicant's device differs from the arrangements shown in the prior art in the way the frame is attached to the lifting devices. However, such way of attaching mechanical elements is merely standard bolting procedure and lacks any inventiveness.

Provision of holes in the transverse beams so that existing holes in the lifting devices can be used to mount the frame, is but expected skill.

The applicant in his response of October 6, 1972 stated in part:

In the art, at the time of the invention, there were basically two distinct types of car benches. One type of car bench includes a pair of adjacent car lifting benches arranged side by side and operatively connected to lift a car by resting of the wheels thereon. Therefore, these cooperating car lifting benches allow relative displacement of the car body and, therefore, these car lifting benches are not suited

for body repair jobs. The other type of car bench is called a car repair bench and is more elaborate, since it is constructed to rigidly hold the car body relative to the axles thereof.

There has therefore been a long-lasting problem due to the fact that none of the two types of car benches was adapted to perform also the function of the other. Besides, to our knowledge, nobody at the time of this invention had suggested anything to solve the above-mentioned problem--even if the persons using the benches are generally skilled mechanics. One must also bear in mind that the two types of benches lack structural resemblance and this may explain why the skilled mechanics have not solved the above-mentioned problem which was known and even of concern to them.

None of the cited patents defines a frame which is similar to the conversion frame conceived by the Applicant, as admitted by the Examiner in the middle of page 2 of the above-mentioned Official Action. None of the cited patents suggests nor defines a frame adapted to convert a conventional car lifting bench into a car repair bench. The Applicant's frame structurally distinguishes itself from the cited prior art in that it is particularly adapted and constructed to be removably secured between the transverse members of conventional car lifting benches. Even this is admitted by the Examiner.

Having studied the application the Board finds that the alleged invention lies in a vehicle supporting frame adapted to replace the conventional frames of a lift device for a particular purpose. Amended Claim 1 reads as follows:

A vehicle supporting frame adapted for removable attachment to conventional car lifting benches and to convert the latter into a car repair bench, said vehicle supporting frame comprising two longitudinal beams connected at the opposite ends by two fixed transverse beams, said transverse beams being provided with holes arranged in such manner that they come in alignment with the holes in the vertically movable transverse members of a conventional car lifting bench when said transverse beams are located adjacent said transverse members in the longitudinal direction of the latter, so that said transverse beams are adapted for removable connection to said transverse members, and at least two inner transverse beams secured at opposite ends to said two longitudinal beams and extending transversely thereof and adapted for rigidly connecting a vehicle body thereto and thus to the car lifting bench and to rigidly support both said car body and the chassis thereof to permit repairing of damaged vehicle body.

The patent to Stukenborg shows a lifting frame having longitudinal and transverse elements, mounted on a single lifting device and suitable to support the body of a vehicle.

The patent to Myers shows a supporting frame having longitudinal and transverse beams secured to lift means at each of its end transverse beams, and two longitudinally adjustable inner transverse beams. This frame per se is substantially the same as that disclosed by the applicant.

The patent to Lawson shows a vehicle supporting frame (19) attached to lifting devices (benches) (11 and 13), comprising two longitudinal beams (24 and 25) connected at the ends to two fixed transverse beams (21 and 22) and having two inner transverse beams (27).


The disclosure of this application on page 2 reads: "... this frame comprises two longitudinal beams (3) welded to two transverse beams (4) provided with holes (5) to permit the connection of the frame with the transverse members (2) of the car lifting bench. Secured to the longitudinal beams (3) are two further inner transverse beams (6) which may be fixed or adjustable" When compared to the Lawson reference it is noted that beams (3) compare to beams (24 and 25), transverse members (4) compare to transverse beams (21 and 22), transverse members (2) of the car lift bench compare to (15 and 17) of the car lift bench, and transverse beams (6) compare to transverse beams (27).

The only difference is that in this application the transverse beams (4) are secured face to face with the transverse members (2) of the car lift bench; whereas, the reference discloses that the transverse beams rest on and are secured by bolts to the transverse members (15 and 17) of the car lift bench. Therefore, this frame and its attachment to the transverse members of the car lifting bench are substantially the same, in that any minor structural differences or the manner of mounting the frame on the benches are but expected skill and design dictated by the type and weight of the respective vehicles.

The fact that the applicant for the first time argues that his frame is removeable is of no consequence, since Lawson provides a similar structure, which is removeable with the same object in view as stated at page 2 of the disclosure, "... is designed to replace the conventional frames" The applicant further states that the vehicle body can be secured to the two inner transverse beams, which can be accomplished

in the same manner using the Lawson structure which provides two inner transverse beams.

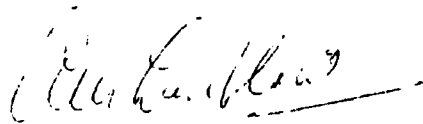
Therefore, the Board is satisfied that the applicant has made no patentable advance in the art as the solution claimed by the applicant is one which is inherently accomplished by the prior art structure, and recommends that the decision of the examiner, to refuse the application, be upheld.



R. E. Thomas,
Chairman, Patent Appeal Board.

I concur with the findings of the Patent Appeal Board and am satisfied that the applicant is not entitled to the grant of a patent. The applicant has six months in which to appeal this decision in accordance with Section 44 of the Patent Act.

Decision accordingly,



A. M. Laidlaw,
Commissioner of Patents.

Dated at Ottawa, Ontario,
this 3rd day of November, 1972.

Agent for Applicant

Mr. Pierre Lesperance