

COMMISSIONER'S DECISION

SUPPORT FOR CLAIMS IN DISCLOSURE - Traffic Control System

The invention is directed to a driverless vehicle traffic control system comprised of stationary first and second track rails having free ends, a movable table having third and forth track rails and means for moving vehicles from the stationary track rails unto the table track rails. Part of the rejections based on lack of support in the claims was affirmed. An amendment submitted by applicant was accepted.

Final Action: Affirmed in part. Amendment to claims accepted.

Patent application 260380 (Class 104-58), was filed on Sept. 2, 1976 for an invention entitled "Driverless Vehicle Traffic Control System."

The inventor is Vercoe C. Jones, assignor to SI Handling Systems, Inc..

The Examiner in charge of the application took a Final Action on Sept. 20, 1978, refusing to allow it to proceed to patent. In reviewing the rejection, the Patent Appeal Board held a Hearing on April 9, 1980, at which the Applicant was represented by Mr. R.H. MacFarlane.

The application is directed to a driverless vehicle traffic control system comprised of stationary first and second track rails having free ends, a movable table having third and forth track rails and means for moving vehicles from the stationary track rails onto the table track rails.

In the Final Action the Examiner refused all of the claims because, in his view, ... they are too broad in view of the disclosure and fail to state in distinct and explicit terms the combination that the Applicant regards as new. In particular the Examiner wanted the specific drive means of the preferred embodiment defined in the claims.

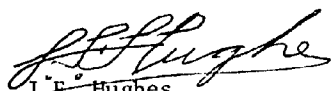
In response to the Final Action the Applicant argued that the refused claims were not open to the objections made by the Examiner. In particular he argued that the claims may define the scope of monopoly as broad as the invention described, but insuring at the same time not to encroach on the prior art.

At the Hearing Mr. MacFarlane discussed the problem of claiming, which was facing the Applicant. We agree that the Applicant, in the present circumstances, does not have to define in his claim the specific drive means of the preferred embodiment, because the invention is described in broader terms and no art was applied. In any event the drive means is only a small portion of the invention described. In essence, a drive means is required to carry out the object of the invention. We agree with the Examiner, however, that other portions of the claims are not clear and distinct. For example, what was designated as a release means is really a retracting means.

Mr. MacFarlane stated that he was willing to amend the claims for clarification purposes. After the Hearing he was contacted by phone, and some minor amendments were suggested to claim 1, to more specifically recite the elements and give the relationship to each other. For example, we suggested the need for a first and second actuating means and a retracting means in lieu of a release means.

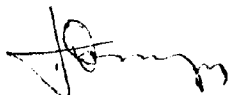
On May 2, 1980 a voluntary amendment was submitted cancelling all of the claims and replacing them with amended claims 1 to 8. Minor amendments were also made to the disclosure.

The amended claims clearly overcome the objections raised in the Final Action. No further discussion is therefore necessary.



J.F. Hughes
Assistant Chairman
Patent Appeal Board, Canada

I concur with the reasoning and findings of the Board. The application is returned to the Examiner for resumption of prosecution.



J.H.A. Gariépy
Commissioner of Patents

Dated at Hull, Quebec
this 15th day of May 1980

Agent for Applicant

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