

COMMISSIONER'S DECISION

Claim Terminology:     Circuit Breaker

Terminology used in three claims was inconsistent with the terms used in the disclosure. The Agent submitted new claims.

Final Action: Affirmed

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Patent application 265796 (Class 306-228), was filed on November 16, 1976, for an invention entitled "Compressed-Gas Insulated Circuit Breaker Operating Mechanism." The inventors are Willie B. Freeman et al, assignors to Westinghouse Electric Corporation. The Examiner in charge of the application took a Final Action on June 28, 1979, refusing to allow it to proceed to patent.

This application is directed to circuit breakers in which compressed gas is used to position the movable contact within the circuit breaker.

In the Final Action the Examiner rejected claims 4, 5 and 8 because they contain certain terms which were not consistent with the terminology of the disclosure, thereby rendering these claims indefinite. The remaining claims were indicated as allowable.

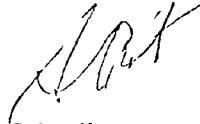
In response to the Final Action the applicant altered some of the terms used in the rejected claims in an effort to overcome the objections made in that action. Since the amendments did not remove all the ambiguities in the claims the application was forwarded to the Patent Appeal Board.

After considering the amended claims we contacted Mr. Oldham by telephone and explained the disclosure and claims which were not consistent with each other. Since then we have received two letters of amendment dated May 28, 1980, and June 23, 1980, and are now satisfied that terminology found throughout the application meets the requirements of Section 36 of the Patent Act.

Therefore we recommend to the Commissioner of Patents that the amendments to disclosure and claims are acceptable and the rejection to claims 4, 5 and 8 be withdrawn.



G.A. Asher  
Chairman  
Patent Appeal Board, Canada



S.D. Kot  
Member

I concur with the reasoning and findings of the Patent Appeal Board. Accordingly I accept the amendments to claims 4, 5 and 8. The application is returned to the Examiner to resume prosecution in accordance with this decision.



J.H.A. Gariépy  
Commissioner of Patents

Dated at Hull, Quebec  
this 9th. day of July, 1980

Agent for Applicant

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