

**CLAIM LANGUAGE BROADLY INTERPRETED BY THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT IN FINDING OBVIOUSNESS**

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In the recent decision of *In re Douglas J. Shoner*, the United States Court of Appeals for the Federal Circuit (CAFC) affirmed the decision of the PTO Board of Patent Appeals and Interferences rejection of all claims of Shoner’s application as obvious under 35 U.S.C. §103(a).

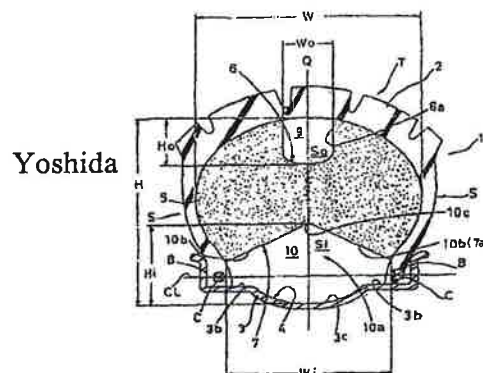
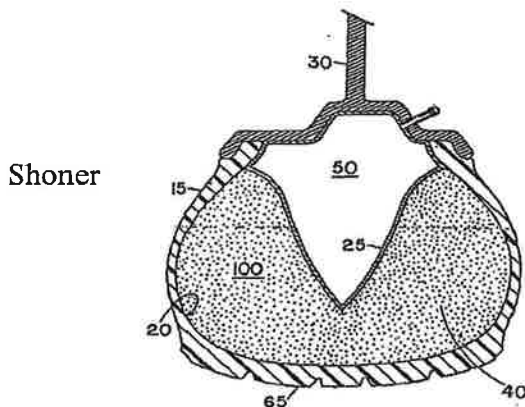
In the appeal, Shoner argued that the cited reference, Yoshida (U.S. Patent No. 6,116,308) does not teach a requirement of his claims, that an air chamber “is sealed separately from the rest of the tire cavity.” The Patent Office, however, argued that Shoner’s claims are not limited to the structure argued, and that the PTO is required to give claims the broadest interpretation as it would be improper to read the applicant’s arguments into the claims. The CAFC agreed.

Along with other structural components, Claim 1, required “... (b) an air chamber for said interior of said pneumatic tire is subsequently sealed and pressurized... .” The Court agreed that the Shoner specification describes an invention where a sealed chamber is structurally supported from the rest of the cavity. Claim 1, however, does not limit the invention to one in which the air chamber is separately sealed, but requires only that the air chamber be “sealed and pressurized.”

The issue, as determined by the Court, was whether Claim 1 is limited to an air chamber that is separately sealed from the rest of the tire cavity. The Court acknowledged that the Shoner specification described a sealed air chamber separate from the rest of the tire cavity, but that Claim 1 does not so limit the invention to one where an air chamber is sealed with an inner tube or similar structure, and stated: “There is no limitation in the language of sub-paragraph (b) of Claim 1 that would narrow the meaning of ‘sealed’ to a particular structure.”

The Court stated that: “The PTO is required to give Claim 1 terms their ‘broadest reasonable interpretation consistent with the specification,’ and there is nothing in the specification that would explicitly limit the air chamber to a particular structure.”

The description of FIG. 4 of Shoner (see below) stated that the air chamber 50 is “sealed by means of inner tube 25.” The Yoshida reference in FIG. 1 (see below) showed an air chamber 10 that is pressurized and sealed from atmospheric air pressure by the tire core 5 and the wheel rim 3.



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The broad interpretation of “sealed” thus would include any structure that seals and pressurizes the air chamber and Yoshida rendered the claim obvious. Since there was no limitation in Claim 1 that would narrow the meaning of “sealed” to a particular structure, the Court adopted the PTO’s broad interpretation of “sealed” to include any structure that seals and pressurizes the air chamber, affirmed the Board’s finding that the claims would have been obvious, and affirmed the judgment of the Board.

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