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BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			RAMADAN, RAMY O	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SURENDER MAKHIJA, STEVE J. SPARACINO,
WEIXING XIA, and DENNIS A. ROBINSON, II

Appeal 2010-008950
Application 11/356,250
Technology Center 2800

Before MAHSHID D. SAADAT, JOHN G. NEW, and HUNG H. BUI,
Administrative Patent Judges.

Per Curiam.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1-3 and 5-23. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Introduction

Appellants' invention relates to a system and method for determining a battery pack configuration based on easily determinable variables, such as the overall voltage of the battery pack, the number of batteries, and the individual battery property (*see* Spec. ¶¶ [0009] and [0050] – [0052]).

Representative Claim

Independent claim 1 is representative of the subject matter on appeal:

1. A method for determining a charging characteristic of a battery pack, comprising:
 - receiving an overall voltage of the battery pack, wherein a plurality of individual batteries are disposed in the battery pack in a particular configuration;
 - receiving a number of batteries corresponding to the individual batteries disposed in the battery pack;
 - receiving an individual battery property common to all individual batteries disposed in the battery pack; and
 - determining the charging characteristic and configuration of the battery pack based on the overall voltage of the battery pack, the number of batteries, and the individual battery property.

Rejection on Appeal

The Examiner rejected claims 1, 14, and 21 under 35 U.S.C. § 102(b) as anticipated by Vonderhaar (US 6,566,883 B1).¹

Appellants' Contentions

1. Appellants contend that the Examiner erred in rejecting claims 1, 14, and 21 because Vonderhaar, in column 4, lines 63-65, "discloses that

¹ Separate patentability was not argued for the remaining claims rejected under §§ 102 and 103 based on Vonderhaar, alone or in combination with the Applicants' Admitted Prior Art (APA) (Br. 15).

there are some instances where the configuration of the pack cannot be determined by simply knowing the voltage of individual batteries and taking measurements” (Br. 7).

2. Similarly, Appellants argue that Vonderhaar relies “either upon measuring the voltage at the terminals of the ‘battery pack’ or upon storing a series of standard known configuration and a user selecting one such configuration” whereas the claims recite “making configuration determinations based upon the overall voltage of the battery pack, the number of batteries and an individual battery property” (Br. 8).

3. Appellants further contend that the microprocessor of Vonderhaar, at best, “would merely *determine* . . . a property but would not *receive* . . . the property” (Br. 9 (emphasis in original)).

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments that the Examiner has erred.

We disagree with Appellants’ conclusion. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the rebuttals to arguments expressed by the Examiner in the Examiner’s Answer in response to Appellants’ Appeal Brief (*see* Ans. 6-11).

We specifically agree with the Examiner (Ans. 8), that “measuring the voltage of the battery pack or using a series of stored standard known configurations in determining the configuration of the battery pack” is not precluded by the broadest reasonable interpretation of claims 1, 14, and 21. We also agree with the Examiner’s findings with respect to those instances

in which the microprocessor 30 in Vonderhaar receives the overall voltage of the battery pack, an input by the user indicating the number of the batteries, and the information related to individual batteries in order to determine the charging characteristics of the battery pack (*see* Ans. 8). As further explained by the Examiner (Ans. 9-10), the cited portions in column 5 of Vonderhaar disclose that the microprocessor 30 *receives* a CCA rating for each individual battery the analog to digital convertor 38 to determine an overall CCA of the battery pack.

CONCLUSIONS

1. The Examiner has not erred in rejecting claims 1, 14, and 21 under 35 U.S.C. § 102(b) as being anticipated by Vonderhaar.
2. Claims 1-3 and 5-23 are not patentable.

DECISION

The Examiner's decision rejecting claims 1-3 and 5-23 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ELD