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EXAMINER

VANAMAN, FRANK BENNETT

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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HENRY F. THORNE, ROBERT D. DALEY, and
MARY J. KOES

Appeal 2014-005047
Application 13/109,328
Technology Center 3600

Before MICHAEL L. HOELTER, LYNNE H. BROWNE, and
ERIC C. JESCHKE, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Henry F. Thorne et al. (Appellants) appeal under 35 U.S.C. § 134 from the rejection of claims 1–5, 9, 13–15, 17, and 19. An oral hearing was held on October 25, 2016. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

CLAIMED SUBJECT MATTER

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A stroller, comprising:
 - a first stroller component;
 - a second stroller component;
 - at least one of the first and second stroller components being movable from a first position to a second position;
 - a drive mechanism comprising at least two motors, a first one of the at least two motors is operatively engaged with at least one of the first and second stroller components to move the at least one of the first and second stroller components from its first position to its second position;
 - one or more latches in operative engagement with at least one of the first stroller component and the second stroller component, which one or more latches are moveable by a second one of the at least two motors between a latched position in which the one or more latches prevent movement of at least one of the first stroller component and the second stroller component toward their second positions, and an unlatched position in which the one or more latches allow movement of at least one of the first stroller component and the second stroller component toward their second positions; and
 - a control system operatively engaged with the drive mechanism to actuate the drive mechanism to provide actuation of the at least two motors upon actuation of a control switch such that the first one of the at least two motors causes the at least one of the first and second stroller components to move from its first position to its second position and the second one of the at least two motors causes the one or more latches to move from the latched position to the unlatched position.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Singletary

US 4,896,894

Jan. 30, 1990

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Rogers	US 5,409,277	Apr. 25, 1995
Bearup	US 2007/0262565 A1	Nov. 15, 2007
Takahashi	EP 719,693 A2	July 3, 1996

REJECTIONS

- I. Claims 1–3, 5, 9, 13–15, 17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi, Singletary, and Rogers.
- II. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi, Singletary, Rogers, and Bearup.

DISCUSSION

Rejection I

Appellants argue that

The Takahashi publication, whether considered alone or in combination with the Singletary patent and the Rogers patent, provides no teaching or suggestion of a control system configured to operate a first motor that causes the folding and unfolding of a stroller and a second motor that actuates a latching mechanism.

Appeal Br. 13.

Responding to this argument, the Examiner explains that

Takahashi teaches a controlling actuator including a switch connected to the power supply and actuated by the operator, and the Rogers reference similarly identi[f]ies a controlling actuator including switch connected to a power supply and actuated by an operator. Neither reference employs a complicated control system and interestingly, both control systems are of notably similar structure: both Takahashi and Rogers use a power supply, an actuating switch, and a limit switch for their respective motorized devices.

Ans. 5. The Examiner further explains that

In this case, the integration of the Rogers reference's latch or lock control motors into the stroller taught by Takahashi and modified by Singletary would require little more than a routine duplication of already-known structure (a user-operated actuation switch, a connection to a power supply, and a limit switch to prevent over-travel). At the most simplistic case, this may be had by simply incorporating into the existing arrangement a second switch which controls the latching function, at which point the resulting control system would include two control switches connected to the respective folding and latch motors.

Id. at 6–7.

Addressing the Examiner's further explanation, Appellants contend that "the combination of the Takahashi publication, the Singletary patent, and the Rogers patent provides no teaching or suggestion of a control system operatively engaged with the drive mechanism to actuate the drive mechanism to provide actuation of ***the at least two motors upon actuation of a control switch.***" Reply Br. 3. In support of this contention, Appellants argue that "such an arrangement clearly does not meet the language of independent claims 1 and 14, as each of these claims clearly requires a control system to provide actuation of the at least two motors upon actuation of ***a control switch.***" *Id.*

Appellants are correct. The rejection does not address actuation of both of the motors by the same control switch. *See* Final Act. 2–4. Further, as quoted *supra*, the proposed combination results in a switch for each motor. The Examiner does not explain why it would have been obvious to replace the separate control switches taught by the prior art with "a control switch" as required by independent claims 1 and 14. Thus, the Examiner fails to set forth a prima facie case of obviousness.

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For this reason, we do not sustain the Examiner's decision rejecting independent claims 1 and 14, and their respective dependent claims 2, 3, 5, 9, 13, 15, 17 and 19.

Rejection II

The rejection of claim 4 does not cure the deficiencies in the prima facie case of obviousness discussed *supra*. Accordingly, we do not sustain the Examiner's decision rejecting claim 4 for the same reasons.

DECISION

The Examiner's rejections of claims 1–5, 9, 13–15, 17, and 19 are REVERSED.

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

REVERSED