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701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

EXAMINER

BERHANU, SAMUEL

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HOK-SUM HORACE LUKE and
CHING CHEN

Appeal 2015-005523
Application 14/017,090
Technology Center 2800

Before LINDA M. GAUDETTE, JULIA HEANEY, and
JEFFREY R. SNAY, *Administrative Patent Judges*.

HEANEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ seek our review pursuant to 35 U.S.C. § 134(a) of a decision of the Examiner to reject claims 1–27 of Application 14/017,090 under 35 U.S.C. § 102(e) as anticipated by Chen.² We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

¹ Appellants identify the real party in interest as Gogoro Inc. App. Br. 1.

² Chen et al., US 2013/0031318 A1 published Jan. 31, 2013 (hereinafter “Chen”).

BACKGROUND

The subject matter on appeal relates to portable charging devices and rechargeable electrical energy storage devices, such as secondary batteries. Specification (“Spec.”) 1. The claims at issue describe a security system and method, which use authentication of the portable charging device or electrical energy storage device before charging is allowed or enabled. App. Br. 2.

Claim 1 is illustrative of the claimed subject matter:

1. A portable charging device security system of a portable charging device for charging a portable electrical energy storage device, comprising:
 - at least one controller; and
 - at least one communications module coupled to the at least one controller, wherein the at least one controller is configured to:
 - receive information regarding authentication of a portable electrical energy storage device to be charged by the portable charging device;
 - make a determination regarding allowing charging of the portable electrical energy storage device by the portable charging device based on the received information regarding authentication; and
 - record or communicate information regarding the charging to track usage of the portable charging device.

Claims Appx., App. Br. 14.

DISCUSSION

Appellants argue only independent claims 1, 12, 23, and 26, based on the language of claim 1, and do not present arguments for separate patentability of the dependent claims. App. Br. 6–12. We limit our

discussion to the independent claims; all dependent claims stand or fall with their respective independent claims.

Appellants advance two arguments for reversal of the anticipation rejection: (1) Chen does not disclose using a “portable charging device” (claims 1, 12, 23, and 26) (App. Br. 6); and (2) Chen does not disclose a controller configured to “receive information regarding authentication of a portable electrical energy storage device” (claims 1 and 23). App. Br. 11–12, citing Chen ¶¶ 40, 84.

The Examiner finds that Chen’s “collection, charging and distribution machine” **102** corresponds to the “portable charging device” recited in the independent claims. Final Act. 3, 8–9, 12, 14, citing Chen Fig. 1, ¶ 37. Machine **102** may take the form of a vending machine or kiosk. Chen ¶ 38. Appellants argue that Chen’s machine **102** is not portable because it is not “easy to carry or move around.” App. Br. 6–8, citing several dictionaries. The Examiner responds that Chen’s machine **102**, in the form of a vending machine or kiosk, is easy to move around and therefore “portable.” Ans. 2–3.

We have considered the argued claim limitation in light of the claims and Specification, and agree with the Examiner that the broadest reasonable interpretation of “portable charging device” encompasses a movable vending machine or kiosk such as Chen’s machine **102**. Appellants have not directed us to, nor do we find, any special definition of the term “portable” in the Specification. Moreover, only one of the two dictionary definitions relied on by Appellants supports their argument that to be “portable,” a device must be “easy” to move around. *See* App. Br. 7–8. The definition from Merriam-Webster online merely defines “portable” as “capable of being carried or moved about.” *See id.* at 7 (citing [3](http://www.merriam-</p></div><div data-bbox=)

webster.com/dictionary/portable). Appellants have not argued persuasively that it was unreasonable for the Examiner to find that Chen's machine **102** is capable of being moved about.

Appellants' second argument for reversal is directed at the Examiner's finding that "controller **410** of Chen's charging and distribution machine **102** may receive information such as authenticity, authorization level, operation, and status." Ans. 3-4, citing Chen ¶ 84, lines 4-7. Appellants argue that Chen's controller **410** is a component within the portable electrical energy storage device, and further that Chen's description of controller **410** receiving information regarding external components "does not mention any of those external components being a portable electrical energy storage device, much less mention information regarding authentication of a portable electrical energy storage device." App. Br. 11, citing Chen ¶ 84.

Appellants' argument is persuasive of harmful error in the rejection. The only portion of Chen upon which the Examiner relies for disclosure of "receiv[ing] information regarding authentication of a portable electrical energy storage device" as recited in claims 1 and 23 is Chen ¶ 84. Final Act. 3, 12. As Appellants note, Chen ¶ 84 describes controller **410** as an internal component of the portable electrical energy storage device receiving information from components of an external device:

[0084] The controller 410 may also receive signals from various sensors and/or components of an external device via the communications subsystem 206 of collection, charging and distribution machine 102. This information may include information that characterizes or is indicative of the authenticity, authorization level, operation, status, or condition of such components.

App. Br. 11. Therefore, we are persuaded that the Examiner has not identified any structure in Chen that receives information regarding

authentication of a portable electrical energy storage device, and fails to present a prima facie case of anticipation of claim 1 or 23.

Accordingly, we reverse the rejection of claims 1 and 23. Because the Examiner's rejection of dependent claims 2–11 and 24–25 does not remedy the errors identified above, we likewise reverse the Examiner's anticipation rejection of those claims.

SUMMARY

We reverse the rejection of claims 1–11 and 23–25 under 35 U.S.C. § 102(e) as anticipated by Chen.

We affirm the rejection of claims 12–22 and 26–27 under 35 U.S.C. § 102(e) as anticipated by Chen.

AFFIRMED-IN-PART