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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JOHNNY WHITE

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Appeal 2015-007935  
Application 13/276,130  
Technology Center 3600

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Before JOHN C. KERINS, BRANDON J. WARNER, and  
ARTHUR M. PESLAK, *Administrative Patent Judges*.

WARNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Johnny White (“Appellant”) appeals under 35 U.S.C. § 134(a) from the Examiner’s decision rejecting claim 8, which is the sole pending claim. Appeal Br. 2, 3. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

Appellant's disclosed invention "relates generally to an apparatus for winding a cargo strap," and more particularly to "a motorized, rotatable shaft for winding a cargo strap that is attachable to a moving vehicle." Spec., p. 1, ll. 10–12. Claim 8, reproduced below, is the sole independent claim and is representative of the subject matter on appeal.

8. An electronic cargo strap winder comprises,
  - an enclosure[;]
  - a winding shaft;
  - a bracket;
  - a motor;
  - a switch;
  - a power port;
  - a power cord;
  - a light;
  - a battery;
  - the bracket comprises an adapter clamp and a pair of fastening knobs;
  - the motor being positioned in the enclosure protruding from a first end of the enclosure;
  - the winding shaft being extended from the motor;
  - the light being positioned on the first end adjacent to the motor;
  - the enclosure comprises a battery compartment;
  - the battery compartment being positioned on a back side of the enclosure;
  - the battery being positioned in the battery compartment;
  - the power port being positioned on a second end of the enclosure;

the power cord being inserted in the power port;  
the power cord leading to a power source to provide the motor power or charge the battery;  
the winding shaft comprises a strap slot;  
the switch being positioned on the enclosure;  
the power port being electrically connected to the motor by the switch;  
the battery being electrically connected to the motor by the switch;  
the switch being a normally open switch that electronically connects the motor with the battery;  
the strap slot being traversed along the winding shaft;  
the strap slot being a 1/4 inch space of cut out on the winding shaft;  
the strap slot accommodating a cargo strap;  
the bracket being fastened to the back side of the enclosure;  
the adapter clamp comprises fastener holes; and  
the pair of fastening knobs being traversed through the fastener holes.

#### EVIDENCE

The Examiner relied on the following evidence in rejecting the claims on appeal:

Bevan	US 3,113,742	Dec. 10, 1963
Septor	US 3,964,425	June 22, 1976

## REJECTIONS

The following rejections are before us for review:

- I. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Septor. Non-Final Act. 2–5.
- II. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bevan and Septor. *Id.* at 5–7.

## ANALYSIS

### *Rejection I— Claim 8 as unpatentable over Septor*

The Examiner determined that the teachings from Septor render obvious the subject matter claimed. Non-Final Act. 3–5.

Appellant argues that Septor fails to teach “a bracket” as claimed, asserting that Septor’s spool shaft 32, relied on in the rejection, cannot be considered a bracket because it is “completely different from the bracket claimed in the present application.” Appeal Br. 6; *see id.* at 4–6. In support of this assertion, Appellant provides plain meaning definitions for “bracket,” including “an object that is attached to a wall and used to support or hold up something.” Appeal Br. 4–5 (citing *The Merriam-Webster Dictionary* (2004 Edition)) (underlining omitted). However, upon review of the evidence before us, we agree with the Examiner that Septor’s spool shaft 32 “meets at least one of these provided definitions”—namely, spool shaft 32 “is an object, attached to a wall (e.g., casing 14), used to support or hold up something (e.g., spool 30)” —such that Appellant’s suggested interpretation of bracket “do[es] not define over the art of record.” Ans. 3.

Appellant also argues that Septor fails to teach “a winding shaft” as claimed, asserting that the claimed shaft and Septor’s worm gear 20, relied

on in the rejection, “are two different mechanical components.” Appeal Br. 7; *see id.* at 6–8. However, upon review of the evidence before us, we agree with the Examiner that Septor’s worm gear 20 is simply “a shaft having a helical gear tooth being arranged thereon,” such that its structure may be fairly considered “a winding shaft” that extends from the motor as claimed. Ans. 3; *see id.* at 3–4 (citing Septor, Fig. 3; col. 3, ll. 36–39).

Further, Appellant asserts that Septor fails to teach that “the winding shaft comprises a strap slot,” as claimed, contending that the groove (slot) of Septor’s element 20 is intended for another function (namely, meshing with a tooth of a mating gear). *See* Appeal Br. 8–9. But Appellant does not persuasively explain what structure would be required for a “strap slot” on the winding shaft to “accommodate” a cargo strap that would differentiate it from Septor’s groove as relied on in the rejection, nor does the claim recite any such specific structure. Thus, Appellant’s assertion does not apprise us of error in the Examiner’s position that the helical groove (slot) extending around Septor’s element 20 “is capable of accommodating a strap as recited in Appellant’s claim language.” Ans. 4.

Finally, Appellant asserts that “[b]oth Septor and Bevan” fail to teach “the strap slot being a 1/4 inch space of cut out on the winding shaft,” as claimed, contending (as above) that Septor does not teach a strap slot, and that Bevan does not teach that “the strap is a specific 1/4 inch space.” Appeal Br. 9 (underlining omitted). For the reasons discussed above, this contention regarding Septor does not apprise us of error.<sup>1</sup> As to the

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<sup>1</sup> As to the recited slot dimension and Septor alone, the Examiner acknowledged that Septor does not specifically disclose a 1/4 inch dimension to the groove/slot, but reasoned that “changes in size and/or

contention regarding Bevan, the Examiner is correct that the claim imposes only a minimum size for the strap *slot* (not the strap itself), and that Bevan’s spindle slot 32 “extends for greater than 1/4 inch,” which is encompassed by the lower bound on size set by the claim—thus, this contention also does not apprise us of error. Ans. 4–5 (citing Bevan, col. 4, ll. 1–4).

We note that any other arguments not specifically addressed in detail herein have been thoroughly considered by the panel, but are not persuasive for the reasons discussed above and those well expressed in the Examiner’s Answer.

After careful consideration of all the evidence, Appellant’s assertions do not apprise us of error in the Examiner’s findings or reasoning in support of the conclusion of obviousness. Accordingly, we sustain the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Septor.

*Rejection II – Claim 8 as unpatentable over Bevan and Septor*

With respect to this rejection, Appellant does not provide any substantive argument apart from the assertion discussed above regarding the purported deficiency of “[b]oth Septor and Bevan” and the recited minimum dimension of the strap slot, which does not apprise us of error. Appeal Br. 9; *see id.* at 8–9. Accordingly, for the same reasons, we likewise sustain this rejection.

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proportion,” such as picking a minimum 1/4 inch slot size, “are obvious engineering design considerations well within the ability of one of skill in the art,” such that reciting a minimum slot size “is not deemed to be patentably distinct over the art of record.” Non-Final Act. 4–5. Appellant does not address the Examiner’s reasoning and, thus, does not apprise us of error. *See* Appeal Br. 9.

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Application 13/276,130

DECISION

We AFFIRM the Examiner's decision rejecting claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Septor.

We AFFIRM the Examiner's decision rejecting claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Bevan and Septor.

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).

AFFIRMED