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Huawei Technologies Co., Ltd. Building F1-5, Huawei Industrial Base, Bantian, Longgang District, Shenzhen, 518129 CHINA			JENNISON, BRIAN W	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ZHANLI TANG and YAKE FANG

Appeal 2017-010612
Application 14/081,211
Technology Center 3700

Before JAMES R. HUGHES, BETH Z. SHAW, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

SHAW, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant,¹ Huawei Technologies Co., Ltd., appeals from the Examiner's decision to reject claims 1–5, 7–12, and 14–16. Claims 1–16 are pending. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ We use the word “Appellant” to refer to “Applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as HUWAWIE TECHNOLOGIES CO. LTD. Appeal Br. 4.

CLAIMED SUBJECT MATTER

The claims are directed to an electronic heater. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. An electronic heater, comprising an auxiliary power supply unit, a control unit, a power adjusting unit, and a heating source, wherein:
 - the auxiliary power supply unit is configured to supply power to the control unit;
 - the control unit is configured to output a detection voltage signal according to an input voltage of the heating source, output a power control signal according to a preset reference power value, and transmit the detection voltage signal and the power control signal to the power adjusting unit; and
 - the power adjusting unit is configured to obtain an output power adjustment signal according to the detection voltage signal and the power control signal, and adjust an input current of the heating source according to the power adjustment signal.

REJECTION

Claims 1–5, 8–12, and 16 are rejected under pre–AIA 35 U.S.C. § 102(b) as being anticipated by Hori.

Claims 7, 8, 14, and 15 are rejected under pre–AIA 35 U.S.C. § 103(a) as being unpatentable over Hori (US 2004/0188417 A1; published Sept. 30, 2004) in view of Winkler (US 2006/0249499 A1; published Nov. 9, 2006).

Claims 6 and 13 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

OPINION

The Examiner rejects claims 1–5, 8–12, and 16 under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Hori. Figure 1 of Hori is reproduced below.

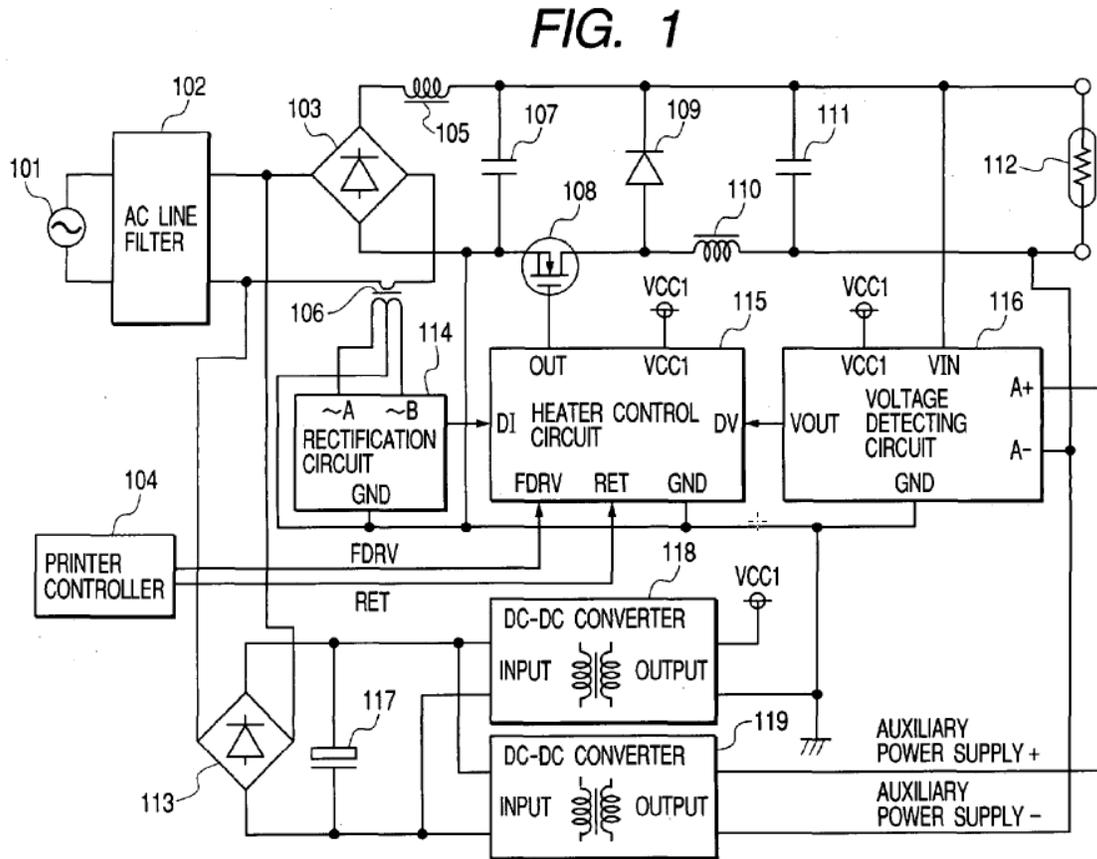


Figure 1 of Hori illustrates an electric circuit diagram showing a configuration of a heater drive circuit. Hori ¶ 30.

Appellant argues Hori does not disclose “the control unit is configured to output a detection voltage signal according to an input voltage of the heating source,” as required by claim 1. App. Br. 22–25. We agree because the output from heater control circuit 115 as shown in Figure 1 of Hori is the

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PWM pulse applied to the gate of FET 108. Hori ¶¶ 81–82. The Examiner does not sufficiently explain why this PWM pulse constitutes “a detection voltage signal according to an input voltage of the heating source.” We agree with Appellant that Hori’s voltage detecting circuit 116 may output a detection voltage signal according to an input voltage of the heating source, but it is not shown to constitute the claimed control unit, because voltage detecting circuit does not output a power control signal as required by claim 1, and the Examiner does not find or explain otherwise. Reply Br. 20. Rather, the Examiner finds the claimed “control unit” is the heater control circuit 115. Final Act. 2.

[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.

Net MoneyIn, Inc. v. VeriSign, Inc., 545 F.3d 1359, 1371 (Fed. Cir. 2008).

Thus, it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes multiple, distinct teachings that the artisan might somehow combine to achieve the claimed invention.

Id.

Accordingly, based on the record before us, we do not sustain the rejection of independent claim 1 under 35 U.S.C. § 102(b).² For the same

² We make no determination as to whether the pending claims would be rendered obvious based on the references cited in the record or another combination of references.

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reasons, we do not sustain the rejection of claims 2–5, 8–12, and 16. We do not sustain the rejection of claims 7, 8, 14, and 15 under 35 U.S.C. § 103(a) because the Examiner does not allege Winkler overcomes the deficiencies of Hori discussed above.

DECISION

We reverse the rejection of claims 1–5, 7–12, and 14–16.

DECISION SUMMARY

Claims Rejected	Basis	Affirmed	Reversed
1–5, 8–12, 16	§ 102(b)		1–5, 8–12, 16
7, 8, 14, 15	§ 102(a)		7, 8, 14, 15
Overall Outcome			1–5, 7–12, 14–16

REVERSED