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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ILEN ZAZUETA-HALL, SARA BETH BROWN,
JOHN COLEMAN GIBBS, JAMIE ERIC RUDERMAN,
BRENDA CATHERINE STRECH, LEESA LEE,
BENJAMIN LEWIS SMITH, and ROBERT M. SERAFINI

Appeal 2018-000751
Application 14/166,269¹
Technology Center 2600

Before JUSTIN BUSCH, NORMAN H. BEAMER,
and JOYCE CRAIG, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1, 2, 4–9, 11–16, and 18–20. Claims 3, 10, and 17 are cancelled. We have jurisdiction over the pending rejected claims under 35 U.S.C. § 6(b).

We reverse.

¹ Appellants identify Enphase Energy, Inc. as the real party in interest. (App. Br. 4.)

THE INVENTION

Appellants' disclosed and claimed invention is directed to visualization of energy data. (Abstract.) Independent claim 1, reproduced below, is illustrative of the subject matter on appeal:

1. A computer-implemented method for providing a visualization of energy data, comprising:

determining with a processor, based on an energy visualization scale for visually depicting quantities of energy generated in terms of commensurate color parameters, one or more color parameters respectively corresponding to each energy data value of a plurality of energy data values, wherein each energy data value of the plurality of energy data values specifies a quantity of energy produced by a distributed generator (DG) and the corresponding color parameters are commensurate with the quantity of energy produced as defined by the energy visualization scale; and

generating, with the processor, a display image which depicts the plurality of energy data values as the respectively corresponding one or more color parameters in a grid layout across two dimensions in time.

REJECTION

The Examiner rejected claims 1, 2, 4–9, 11–16, and 18–20 under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. (US 2013/0009960 A1, pub. Jan. 10, 2013) and Rye et al. (US 2009/0125825 A1, pub. May 14, 2009). (Final Act. 2–8.)

ISSUE ON APPEAL

Appellants’ arguments in the Appeal Brief present the following dispositive issue²:

Whether the Examiner erred in finding the combination of Smith and Rye teaches or suggests the claim requirements, “providing a visualization of energy data,” “an energy visualization scale,” and “energy data values” (hereinafter referred to as “the energy limitations”). (App. Br. 10–13.)

ANALYSIS

The Examiner relies on Smith as teaching or suggesting the energy limitations of the claims. (Final Act. 3–4.) Smith discloses a “method and apparatus for providing a visualization of power for display.” (Smith Abstract.) Appellants argue power is a physical quantity distinct from energy:

The term “power” has a very specific technical meaning — i.e., power is the rate at which energy is delivered or consumed. . . .

* * *

Although energy and power are related, they are not interchangeable, nor can power be used as a form of measurement of energy

* * *

² Rather than reiterate the arguments of Appellants and the positions of the Examiner, we refer to the Appeal Brief (filed June 8, 2017) (herein, “App. Br.”); the Reply Brief (filed Oct. 30, 2017) (herein, “Reply Br.”); the Final Office Action (mailed Aug. 8, 2016) (herein, “Final Act.”); and the Examiner’s Answer (mailed Aug. 28, 2017) (herein, “Ans.”) for the respective details.

[M]erely knowing the rate at which electrical energy is transferred is not equivalent to knowing a quantity of electrical energy transferred.

(App. Br. 10–12 (emphasis omitted).) Accordingly, Appellants argue Smith fails to teach or suggest the energy limitations of the claims. (App. Br. 13.)

The Examiner concludes the broadest reasonable interpretation of “energy” encompasses “power,” relying on the Oxford English Dictionary definition: “power: [] Energy that is produced by mechanical, electrical, or other means and used to operate a device.” (Final Act. 4; Ans. 3.) Based on this, the Examiner finds Smith teaches the energy limitations of the claims because “‘power’ can easily represent ‘quantities of energy’ as interpreted by one of ordinary skill in the art.” (Ans. 3.)

We are persuaded the Examiner errs. As Appellants correctly state, the accepted technical definition of power is the rate at which energy is delivered or consumed. *See, e.g., Weidner & Sells, Elementary Classical Physics, Vol. 1 and 2, (1965), p. 736* (“The delivered power P is simply the rate of energy transfer from the energy source to the load.”).

As the Examiner’s rejection is premised on erroneously equating the two distinct physical quantities “energy” and “power,” and does not pursue an alternative ground of rejection based on a combination of the power-based disclosure of Smith in combination with the energy-based disclosure of Rye, we are constrained by the record to find the Examiner fails sufficiently to support the rejection of the claims on appeal.

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DECISION

We reverse the Examiner's rejections of claims 1, 2, 4–9, 11–16, and 18–20.

REVERSED