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14/887,894	10/20/2015	Luis Pablo Rivera Paredes	83584509	1043
121691	7590	11/01/2019	EXAMINER	
Ford Global Technologies, LLC/ King & Schickli, PLLC 800 CORPORATE DRIVE, SUITE 200 Lexington, KY 40503			PIGGUSH, AARON C	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* LUIS PABLO RIVERA PAREDES, DAVID PAUL  
MARSHMAN, and MIGUEL ANGEL ORTIZ FRAGOSO

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Appeal 2019-001017  
Application 14/887,894  
Technology Center 2800

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Before N. WHITNEY WILSON, CHRISTOPHER C. KENNEDY, and  
BRIAN D. RANGE, *Administrative Patent Judges*.

RANGE, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the  
Examiner's decision to reject claims 1–20. We have jurisdiction under  
35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37  
C.F.R. § 1.42. Appellant identifies the real party in interest as Ford Global  
Technologies, LLC. Appeal Br. 3.

## CLAIMED SUBJECT MATTER<sup>2</sup>

Appellant describes the invention as relating to a power bank system for a motor vehicle that maintains a mobile or portable power bank in a charged state for use outside the motor vehicle to power mobile electronic devices. Spec. ¶ 1. In particular, the Specification explains that an electronic device (such as a cell phone) may not fully charge while a person is in the vehicle. *Id.* ¶ 2. The Specification therefore identifies a need for a power bank for a vehicle “displaceable between a charging position within a dedicated receiver of the power bank charging module and a mobile use position withdrawn from the receiver.” *Id.* ¶ 4. Claim 1 is illustrative:

1. A power bank system for a motor vehicle, comprising:
  - a power bank charging module integrated into a body interior of said motor vehicle and including a dedicated receiver; and
  - a portable power bank** for powering a portable electronic device, said portable power bank being displaceable between a charging position within said dedicated receiver and a mobile use position withdrawn from said dedicated receiver.

Appeal Br. 16 (Claims App.) (emphasis added to disputed recitation).

## REFERENCES

The Examiner relies upon the prior art below in rejecting the claims on appeal:

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<sup>2</sup> In this Decision, we refer to the Final Office Action dated January 12, 2018 (“Final Act.”), the Appeal Brief filed June 11, 2018 (“Appeal Br.”), the Examiner’s Answer dated September 20, 2018 (“Ans.”), and the Reply Brief filed November 19, 2018 (“Reply Br.”).

<b>Name</b>	<b>Reference</b>	<b>Date</b>
Howard et al. ("Howard")	US 2006/0277555 A1	Dec. 7, 2006
Workman et al. ("Workman")	US 2013/0183562 A1	July 18, 2013
Miller et al. ("Miller")	US 2014/0152257 A1	June 5, 2014

### REJECTIONS

- The Examiner maintains (Ans. 2) the following rejections on appeal:
- A. Claims 1–5, 11, 12, and 15–20 under 35 U.S.C. § 102 as anticipated by Howard. Final Act. 2.
  - B. Claims 6 and 13 under 35 U.S.C. § 103 as obvious over Howard in view of Workman. *Id.* at 5.
  - C. Claims 7–10 and 14 under 35 U.S.C. § 103 as obvious over Howard, Workman, and Miller. *Id.* at 7.

### OPINION

The Examiner rejects independent claims 1 and 18 as anticipated by Howard. Final Act. 2. Here, we focus on the Examiner's determinations that relate to error identified by Appellant. In particular, the Examiner finds that Howard teaches claim 1 and claim 18's recited "portable electronic device" and "portable power bank." Final Act. 2–3. The Examiner determines that Howard's media player (for example, an iPod) is the "portable electronic device." *Id.* The Examiner also determines that the battery of Howard's media player is a "portable power bank." Final Act. 9; Ans. 2.

Appellant argues that Howard does not teach or suggest claim 1 and claim 18's "portable power bank." Appeal Br. 10–13. Appellant emphasizes that the battery of Howard's media player 30 is always positioned within the portable electronic device and does not charge any device other than the media player 30. *Id.* at 11. For the reasons explained below, Appellant's argument persuasively identifies reversible error in the Examiner's rejection.

We begin our analysis with claim construction. During prosecution, an application's claims are given their broadest reasonable scope consistent with the specification. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The words used in a claim must be read in light of the specification, as it would have been interpreted by one of ordinary skill in the art at the time of the invention. *Id.* Here, the Specification provides important context to the meaning of "portable power bank." In particular, the Specification explains that people often charge portable electronic devices, such as music players and cell phones, in a motor vehicle using a USB or other port. Spec. ¶ 3. The Specification further explains that travel time in the vehicle may not be sufficient to provide the device with the desired charge before the person leaves the vehicle. *Id.* The Specification thus contemplates a "portable power bank that is displaceable between a charging position within a dedicated receiver of the power bank charging module [in the vehicle] and a mobile use position withdrawn from the receiver." *Id.* ¶ 4. The portable power bank "ensures that the user will have sufficient power to drive the user's mobile electronic device for a much longer period of time." *Id.*

The claims also provide context to the meaning of “portable power bank.” In particular, claims 1 and 18 both state that the purpose of the portable power bank is to power the portable or mobile electronic device. Claims 5 and 12 state that the portable power bank includes a battery held in a housing. Claim 13 states that the portable power bank includes a USB interface at one end of its housing and a power input on the other side of its housing. The recitations of dependent claims 5, 12, and 13, for example, are consistent with the portable power bank being an external charging device rather than being a battery internal to the portable or mobile electronic device.

In view of this context, we construe the claims’ recited “portable power bank” as requiring a power storage means (for example, a battery) within a housing that is separate from the portable electronic device to be charged (such as a music player or cell phone). The Examiner errs by construing “portable power bank” too broadly so that the term would read on a battery internal to a portable electronic device. Ans. 2. Such a broad construction is unreasonable because the Howard disclosure is akin to the prior art the Specification distinguishes. Spec. ¶¶ 2–4. Howard does not address the problem of a person charging a device in a vehicle but having to exit the vehicle before the device is adequately charged.

Because the Examiner’s rejection of claims 1 and 18 relies only on the portable electronic device’s internal battery as a being a “portable power bank,” we do not sustain this rejection. We also do not sustain the Examiner’s rejections of the dependent claims because the Examiner’s treatment of these claims does not cure the error addressed above.

CONCLUSION

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-5, 11, 12, 15-20	102	Howard		1-5, 11, 12, 15-20
6, 13	103	Howard, Workman		6, 13
7-10, 14	103	Howard, Workman, Miller		7-10, 14
<b>Overall Outcome</b>				1-20

REVERSED