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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HIN CHIU

Appeal 2019-002329
Application 14/977,184¹
Technology Center 3600

Before ANTON W. FETTING, PHILIP J. HOFFMANN, and
BRUCE T. WIEDER, *Administrative Patent Judges*.

HOFFMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant appeals from the Examiner's rejection of claims 1–18. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

According to Appellant, the invention relates “to the design layout of equipment on an offshore well intervention monohull vessel,” which may be

¹ 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 Helix Energy Solutions Group, Inc. Br. 1.

used “for the transport, deployment, and retrieval of well intervention subsea equipment.” Spec. ¶ 4. Claims 1 and 12 are the independent claims on appeal. Below, we reproduce independent claim 1 as representative of the appealed claims.

1. A well intervention monohull vessel comprising:
a tower type open derrick disposed on a deck of the vessel;
and
one single point land out capable of being connected to the open derrick.

REJECTION AND PRIOR ART

The Examiner rejects claims 1–18 under 35 U.S.C. § 103 as unpatentable over Roodenburg et al. (US 6,871,609 B2, iss. Mar. 29, 2005) (hereinafter “Roodenburg”) and Angman (US 7,654,313 B2, iss. Feb. 2, 2010).

ANALYSIS

As set forth above, independent claim 1 recites, in relevant part, “one single point land out capable of being connected to the open derrick.” Br., Claims App. Appellant argues that the Examiner’s rejection is in error because neither Roodenburg nor Angman discloses one single point land out, and, in fact, both references teach away from connecting one single point land out to a derrick. *See* Br. 3–7. In reply to Appellant’s arguments, the Examiner determines that Angman discloses connecting one single point land out to a derrick, and that Roodenburg does not teach away from using such a land out. *See, e.g.*, Answer 3–8. Based on our review of the record,

for the following reasons, we agree with the Examiner. Thus, we sustain the obviousness rejection.

We begin by determining what is meant by the claimed “single point land out.” In the Summary of Claimed Subject Matter section of Appellant’s Appeal Brief, Appellant references paragraph 30 of the Specification, as well as Appellant’s Figure 3, for the concise explanation of claim 1’s subject matter, consistent with the requirements of 37 C.F.R. 41.37(c)(1)(iii). *See* Br. 2. Appellant’s paragraph 30 states, in relevant part, “[t]he present invention eliminates the requirement for riser tensioners 13[, as shown, for example, in prior art Figures 1 and 2,] and the correspondingly the [sic] riser telescopic joint[,] by being able to have a single point land out 106 shown in F[igure] 3 from a Multi-Purpose Tower (MPT) or equivalent open derrick 102.” Spec. ¶ 30. This paragraph does not otherwise describe the structure of a single point land out. Based on our review, it does not appear that Appellant’s Specification further describes the structure of the single point land out. Thus, Appellant does not persuade us that the Examiner errs by interpreting the claimed single point land out to include a tension controlling member extending between two components, where the member is connected at a single point at each end. Br. 5–7; Answer 3.

The Examiner’s rejection relies on Roodenburg to disclose an open derrick (to which non-single-point land outs connect), and on Angman to disclose single point land outs connected to a derrick (that is not a tower type open derrick). *See, e.g.*, Final Action 2. According to the Examiner, it would have been obvious to use Angman’s single point land out in place of Roodenburg’s land out, “as a simple substitution of one known land out . . . for another.” *Id.* Further, although Angman’s Figure 2 discloses two (2)

single point land outs, according to the Examiner, Angman expressly discloses that only one single point land out may be connected to a derrick. Answer 6 (citation to Angman omitted). Appellant does not show error in any of these determinations.

As discussed above, Appellant does not show that the Examiner errs by relying on Angman to disclose a single point land out—i.e., a tension controlling member extending between two components, where the member is connected at a single point at each end. Further, although we carefully considered Appellant’s argument (*see* Br. 5–7), Appellant does not persuade us that the Examiner errs by interpreting Angman’s written narrative as disclosing that only one single point land out may be connected to a derrick. As such, we do not agree with Appellant’s argument that Angman fails to disclose, and instead teaches away from, connecting one single point land out to a derrick. *See id.* We also do not agree with Appellant that Roodenburg teaches away from connecting one single point land out to a derrick. *See id.* at 4–5. More specifically, neither the fact that Roodenburg discloses a non-single-point land out, nor the fact that Roodenburg discloses more than one land out, persuades us that Roodenburg teaches away from modifying Roodenburg as the Examiner proposes. *See* Answer 4–5.

Thus, based on the foregoing, Appellant does not persuade us that the Examiner errs in determining that it would have been obvious to combine Roodenburg and Angman to disclose independent claim 1’s recitations, including one single point land out. Therefore, we sustain the Examiner’s obviousness rejection of claim 1. We also sustain the obviousness rejection of independent claim 12, and the rejection of claims 1–11 and 13–18 that

depend from the independent claims, the rejection of which Appellant does not argue separately from claim 1's rejection.

CONCLUSION

We SUSTAIN the Examiner's obviousness rejection of claims 1–18.

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).

In summary:

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1–18	103	Roodenburg, Angman	1–18	
Overall Outcome			1–18	

AFFIRMED