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46442	7590	12/17/2019	EXAMINER	
CARLSON, GASKEY & OLDS, P.C./Ford 400 W. MAPLE RD. SUITE 350 BIRMINGHAM, MI 48009			LYLES-IRVING, CARMEN V	
			ART UNIT	PAPER NUMBER
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RAJARAM SUBRAMANIAN, TOM M. GUNTHER,
SARAVANAN PARAMASIVAM, STEVE DROSTE, and
ROHIT GUNNA

Appeal 2019-002631
Application 15/818,179
Technology Center 1700

Before JEFFREY B. ROBERTSON, BRIAN D. RANGE, and
MICHAEL G. McMANUS, *Administrative Patent Judges*.

ROBERTSON, *Administrative Patent Judge*.

DECISION ON APPEAL¹

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant² appeals from the Examiner's decision to reject claims 1–3, 5–12, 14–16, and 18–20. *See* Appeal Br. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM IN PART.

CLAIMED SUBJECT MATTER

Appellant states the invention relates to retaining areas of a battery pack, and more particularly, using an extrusion to secure portions of a battery array within a battery pack. Spec. ¶ 2. Claim 1, reproduced below, is illustrative of the claimed subject matter (Appeal Br. 11, Claims Appendix):

1. A method of securing portions of a battery pack, comprising:
slidably engaging respective portions of a plurality of battery cell frames within a channel of an extrusion; and
securing the extrusion to a support to secure the battery cell frame.

Claims 10 and 18 are also independent and recite a battery pack and a method of securing portions of a battery pack, respectively. *Id.* at 12–13.

¹ This Decision includes citations to the following documents: Specification filed November 20, 2017 (“Spec.”); Final Office Action mailed June 29, 2018 (“Final Act.”); Appeal Brief filed September 19, 2018 (“Appeal Br.”); Examiner’s Answer mailed January 22, 2019 (“Ans.”); and Reply Brief filed February 14, 2019 (“Reply Br.”).

² 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 Ford Global Technologies, LLC, which is owned by Ford Motor Company. Appeal Br. 1.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Niedzwiecki et al. hereinafter “Niedzwiecki”	US 2013/0095360 A1	April 18, 2013
Chassoux	US 3,623,917	November 30, 1971

REJECTIONS³

1. The Examiner rejected claims 11 and 12 under 35 U.S.C. § 112 as failing to comply with the written description requirement. Final Act. 4.
2. The Examiner rejected claims 11 and 12 under 35 U.S.C. § 112 as indefinite. Final Act. 4–5.
3. The Examiner rejected claims 1–3, 5, 6, 10, 14, 16, and 18–20 under 35 U.S.C. § 102 as anticipated by Niedzwiecki. Final Act. 5–9.
4. The Examiner rejected claim 1 under 35 U.S.C. § 102 as anticipated by Chassoux. Final Act. 9–10.
5. The Examiner rejected claim 15 under 35 U.S.C. § 103 as obvious over Niedzwiecki. Final Act. 13–14.
6. The Examiner rejected claims 7–9 under 35 U.S.C. § 103 as obvious over Niedzwiecki and Chassoux. Final Act. 14–17.

³ In the Answer, the Examiner withdrew the rejection of claims 10–12 and 17 under 35 U.S.C. § 103 as obvious over Chassoux. Ans. 14–15.

Rejections 1 and 2

Appellant does not dispute the Examiner's rejections with respect to claims 11 and 12, under 35 U.S.C. § 112. Appeal Br. 3–4. Rather, Appellant argues previously submitted amendments to claim 11 in response to the Final Action not entered by the Examiner in the Advisory Action mailed July 31, 2018 would have resolved the issue and, after resolution of the prior art rejections, Appellant will resubmit amendments to claim 11. *Id.*

We, therefore, summarily affirm the Examiner's rejections of claims 11 and 12 under 35 U.S.C. § 112.

OPINION

Rejection 4

The Examiner's Rejection

As to claim 1, the Examiner found, *inter alia*, Chassoux discloses a method of securing portions of a battery pack including slidably engaging respective portions of battery cell frames (accumulators 1) within a channel provided between projections 8 and lower longitudinal element 2. Final Act. 9–10, citing Chassoux, col. 4, ll. 48–52, Fig. 4.

Appellant's Contentions

Appellant argues the channel in Chassoux does not engage more than one accumulator 1 and thus does not satisfy the requirement in claim 1 that the channel engages a plurality of battery frames. Appeal Br. 8; Reply Br. 3–4.

Issue

The dispositive issue is:

Has Appellant identified reversible error in the Examiner’s finding that Chassoux discloses a “plurality of battery cell frames within a channel of an extrusion” as recited in claim 1?

Discussion

We are not persuaded by Appellant’s argument that Chassoux does not disclose a plurality of battery cell frames within a channel of an extrusion as recited in claim 1. Appellant’s argument is based on the position that the multiple projections 8 of Chassoux each provide an independent channel in conjunction with lower longitudinal element 2 that engages only one of the accumulators 1. Appeal Br. 8; Reply Br. 3–4.

Figure 1 of Chassoux is reproduced below:

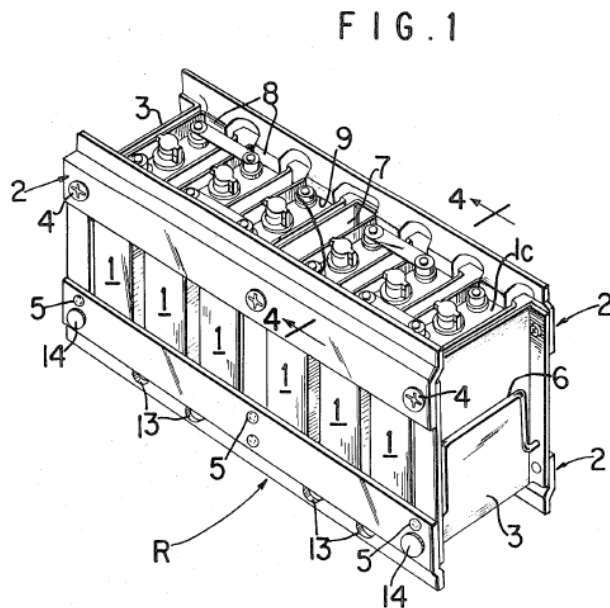


Figure 1 depicts a mounting rack for a plurality of accumulators 1 including longitudinal elements 2 and projections 8. Chassoux, col. 3, ll. 39–40, col. 4, ll. 16–25.

Chassoux discloses longitudinal elements 2 “may be produced by means of an extrusion followed by suitable millings and machining so as to define the width of the spaced projections 8 and create openings serving for their attachment and other necessary treatment.” Chassoux, col. 4, ll. 48–52. Thus, as shown in Figure 1 and disclosed in Chassoux, the extrusion is produced and machined to create projections 8. Accordingly, the Examiner’s position that the channel disclosed in Chassoux is a single channel that engages more than one of the accumulators is sufficiently supported. We therefore do not subscribe to Appellant’s position that simply because there are openings between each of the spaced projections 8, each projection 8 forms an individual channel. *See also* Chassoux, Figs. 3, 6.

Accordingly, we affirm the Examiner’s rejection of claim 1 as anticipated by Chassoux.

Rejection 3

We limit our discussion to claim 1, which is sufficient for disposition of this rejection.

The Examiner’s Rejection

As to claim 1, the Examiner found Niedzwiecki discloses, *inter alia*, a method of securing portions of a plurality of battery cell frames 152 within a channel of an extrusion, where the extrusion is the combination of snap-fit mechanisms 204, flexible member 208, and hook portion 210, and the

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channel is the “area between the left and right 210 that is labeled as distance A.” Final Act. 6.

Appellant’s Contentions

Appellant argues, *inter alia*, Niedzwiecki does not disclose a channel of an extrusion as recited in claim 1, because the claim is not simply directed to a channel, but a channel of an extrusion, and because the Examiner found the structural member 202 is not included in the extrusion, Niedzwiecki fails to disclose this limitation. Appeal Br. 6.

Issue

The dispositive issue is:

Has Appellant identified reversible error in the Examiner’s finding that Niedzwiecki discloses “a channel of an extrusion” as recited in claim 1?

Discussion

We are persuaded by Appellant’s argument that Niedzwiecki fails to disclose “a channel of an extrusion.”

Figure 6 of Niedzwiecki is reproduced below:

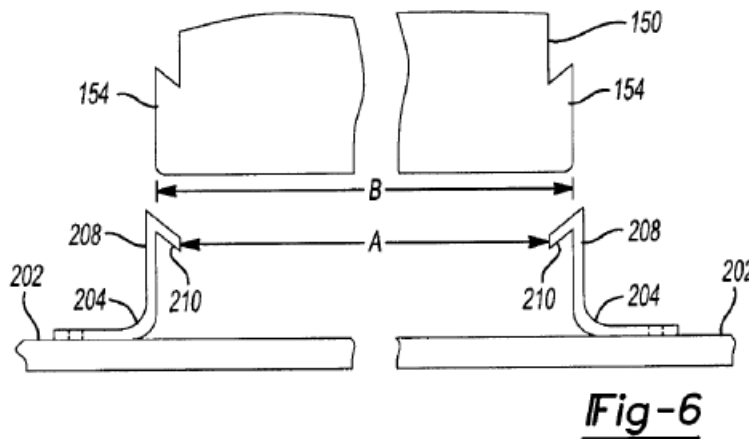


Figure 6 is a side view of securing the battery cell 150 including mounting member 154 to structural member 202 using snap-fit mechanisms 204 including flexible member 208 and hook portion 210, the flexible members separated by a distance A, which is less than a width B of battery cell 150. Niedzwiecki ¶¶ 14, 33–37.

We interpret the term “channel” as recited in claim 1 to mean “a long gutter, groove, or furrow,”⁴ which is consistent with the way the term is used in the Specification and drawings. Spec. ¶¶ 50, 51, Figs. 5–7. As depicted in Figure 6 of Niedzwiecki, the two flexible members 208 separated by distance A create a space where the battery cell 150 may be inserted. We agree with Appellant, however, that to the extent a “channel” as interpreted above is created, it is created when snap-fit mechanisms are attached to structural member 202, which is not part of the extrusion recited in claim 1. Appeal Br. 6.

⁴ <https://www.merriam-webster.com/dictionary/channel>, accessed December 13, 2019.

Thus, although Niedzwiecki may disclose a channel, Niedzwiecki does not disclose “a channel of an extrusion” as recited in claim 1. Independent claims 10 and 18 also recite a channel of an extrusion. As a result, we reverse the Examiner’s rejection of independent claims 1, 10, and 18, as well as dependent claims 2, 3, 5, 6, 14, 16, 19, and 20 as anticipated by Niedzwiecki.

Rejections 5 and 6

Regarding claims 7–9 and 15, which depend from either claim 1 or claim 10, and are the subject of Rejections 5 and 6 (Final Act. 14–17), the Examiner’s application of Niedzwiecki and Chassoux in these rejections fails to remedy the deficiency Niedzwiecki identified above with respect to independent claims 1 and 10. Thus, we reverse Rejections 5 and 6 as well.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
11, 12	112	Written Description	11, 12	
11, 12	112	Indefiniteness	11, 12	
1–3, 5, 6, 10, 14, 16, 18–20	102	Niedzwiecki		1–3, 5, 6, 10, 14, 16, 18–20
1	102	Chassoux	1	
15	103	Niedzwiecki		15
7–9	103	Niedzwiecki, Chassoux		7–9

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Overall Outcome			1, 11, 12	2, 3, 5–10, 14–16, 18–20
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TIME PERIOD FOR RESPONSE

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 IN PART

Notice of References Cited	Application/Control No. 15/818,179	Applicant(s)/Patent Under Patent Appeal No. 2019-002631	
	Examiner	Art Unit 1724	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)			
	U	https://www.merriam-webster.com/dictionary/channel, accessed December 13, 2019			
	V				
	W				
	X				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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channel noun (1)

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channel | \ 'cha-nəl |

Definition of channel (Entry 1 of 3)

- 1 a : the bed where a natural stream of water runs
 - b : the deeper part of a river, harbor, or strait
 - c : a strait or narrow sea between two close landmasses
// crossed the English Channel
 - d : a means of communication or expression; such as
 - (1) : a path along which information (such as data or music) in the form of an electrical signal passes
 - (2) **channels plural** : a fixed or official course of communication
// went through established military channels with his grievances
 - e : a way, course, or direction of thought or action
// new channels of exploration
 - f : a band of frequencies of sufficient width for a single radio or television communication
 - g : CHANNELER
 - h : an account on an online media sharing or streaming service from which one can make media content (such as videos) available to others using the service
// The video was posted Saturday and has been viewed thousands of times since being picked up by YouTube channels devoted to UFOs and unsolved mysteries ...
— Mark Price
// The Washington Post and Bloomberg covered the Russia-United States summit live on their Twitch channels.
— Alexandra Arnsperger
- 2 a : a usually tubular enclosed passage : CONDUIT
// the poison channel in a snake's fangs
 - b : a passage created in a selectively permeable cell membrane by a conformational change in membrane proteins
also : the proteins of such a passage
— compare ION CHANNEL
- 3 : a long gutter, groove, or furrow
// a road channel
 - 4 : a metal bar of flattened U-shaped section

channel verb

channeled or channelled · channeling or channelling

Definition of channel (Entry 2 of 3)

transitive verb

- 1 a : to form, cut, or wear a channel in
// The river channeled a new course.
- b : to make a groove in

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WORD OF THE DAY tractable easily led, controlled, or managed

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