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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte C. JASON HOLLAN

Appeal 2019-003796
Application 14/439,801
Technology Center 3600

Before MICHAEL J. FITZPATRICK, ANNETTE R. REIMERS, and
BRANDON J. WARNER, *Administrative Patent Judges*.

REIMERS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's
decision to reject claims 1–35. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM IN PART.

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 Delta T, LLC. Appeal Brief (“Appeal Br.”) 2, filed Jan. 11, 2019.

CLAIMED SUBJECT MATTER

The claimed subject matter relates to “an apparatus for mounting a ceiling fan.” Spec. 3,² Figs. 1, 3, 6, 7. Claims 1, 8, 21, 28, and 29 are independent.

Claims 1 and 21 are illustrative of the claimed subject matter and recite:

1. An apparatus for mounting a ceiling fan including a support to one or more ceiling structures, comprising:
 - a plurality of mounts, each adapted for connecting to the ceiling structure; and
 - a plurality of cables, each for extending between the ceiling fan and one of the mounts, whereby the cables provide additional reinforcement and stability, enabling the fan to remain secured to the ceiling structure during seismic events.

21. A mounting assembly for connecting with a cable extending between a support structure and a fan, comprising:
 - first and second brackets, each including a first leg and a second leg;
 - first fasteners, each for connecting with one of the first legs of the brackets;
 - a bar for connecting to the first fasteners;
 - at least one second fastener for connecting with the second legs; and
 - at least one connector for connecting with the cable.

² As Appellant’s Specification does not include line numbers, we reference the page number only. Originally filed Specification (“Spec.”), filed Apr. 30, 2015.

REJECTIONS

- I. Claim 35 stands rejected under 35 U.S.C. § 112, first paragraph, for lack of written description.³
- II. Claim 33 stands rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.
- III. Claims 1–34⁴ stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lueddecke (US 7,625,186 B1, issued Dec.1, 2009) and Hoffmann (US 2005/0189456 A1, published Sept. 1, 2005).

ANALYSIS

Written Description

Claim 35

Dependent claim 35 recites “wherein each mount comprises a bracket and a connector for connecting to one of the plurality of cables, the connector being attached to the bracket so as to be incapable of pivoting movement.” Appeal Br. 15 (Claims App.).

The Examiner determines that claim 35 “recites that the connector is attached to the bracket so as to be incapable of pivoting movement, this is not described in the application as filed and constitutes new matter.” Final Act. 2. In particular, the Examiner determines that Appellant’s disclosure “provides no indication that the connector(405) is incapable of pivoting movement relative the bracket(404). On the contrary, the connector(405) is

³ The Examiner does not present a prior art rejection for claim 35. *See generally* Final Office Action (“Final Act.”), dated Oct. 11, 2019.

⁴ Claims 31–34 are not listed in the heading of the rejection but are addressed in the body of the rejection. *See* Final Act. 4–6.

shown as being screwed onto bolt(406), [which] would rotate or pivot the connector relative the bracket(404).” Ans. 3.⁵

Citing to the Specification at page 9 and Figure 5, Appellant contends that a skilled artisan would understand that “each mount comprises a bracket and a connector for connecting to one of the plurality of cables, the connector being attached to the bracket so as to be incapable of pivoting movement” due to the nature of the fastening shown: “that is, the nut secured to bolt 406 prevents the connector 405 from pivoting as a result of the connection with the bracket – i.e., the eye bolt 407 cannot ‘pivot’ as a result.” Appeal Br. 4; *see also* Reply Br. 2⁶ (“As is clearly described in the specification, the nut secured to bolt 406 prevents the connector 405 from pivoting at all.”).

To satisfy the written description requirement, the specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1562–63 (Fed. Cir. 1991). Specifically, the specification must describe the claimed invention in a manner understandable to a person of ordinary skill in the art and show that the inventor actually invented the claimed invention. *Id.* In addition, the drawings in an application can be relied upon to show that an inventor was in possession of the claimed invention as of the filing date. *Id.* at 1565.

Appellant’s Specification describes that “brackets (404) may be placed below the flanges of the angle iron members (452) and coupled

⁵ Examiner’s Answer (“Ans.”), dated Feb. 11, 2019.

⁶ Reply Brief (“Reply Br.”), filed Apr. 11, 2019.

together by a fastener, which may comprise a bolt (406) and a separable connector (405), which together form the eye bolt (407).” Spec. 9.

We appreciate Appellant’s position that “[a] skilled artisan would understand such, as the fundamental purpose of a bolt is to secure an object as to prevent it from moving in any fashion.” Reply Br. 2. However, Appellant fails to address the Examiner’s position that Appellant’s disclosure “provides no indication that the connector(405) *is incapable of pivoting movement* relative the bracket(404)” and “[o]n the contrary, the connector(405) is shown as being screwed onto bolt(406), [which] would rotate or pivot the connector relative the bracket(404).” *See id.*; *see also* Ans. 3 (emphasis added). Additionally, originally filed Figures 5 and 6⁷ of the subject application do not clearly illustrate that connector 405’s attachment to bracket 404 via bolt 406 necessarily means that connector 405 is “incapable of movement” relative to bracket 404. Rather, as connector 405 is illustrated as being screwed onto bolt 406, it is possible that bolt 406 could rotate or pivot connector 405 relative to bracket 404, as pointed out by the Examiner. *See* originally filed Figs. 5, 6; *see also* Ans. 3.

As such, we are of the opinion that the originally filed Specification and drawings fail to fully and clearly disclose “the connector being attached to the bracket so as to be *incapable* of pivoting movement” (Appeal Br. 15 (Claims App.) (emphasis added)), so as to demonstrate that Appellant was in possession of the claimed subject matter at the time the application was

⁷ Originally filed drawings, filed Apr. 30, 2015.

filed. We, therefore, agree with the Examiner's finding that the original disclosure does not satisfy the written description requirement.

Accordingly, we sustain the Examiner's rejection of claim 35 for lack of written description.

Indefiniteness

Claim 33

Dependent claim 33 recites "wherein each mount comprises a bolt having a looped head for connecting to a first end of at least one cable of the plurality of cables." Appeal Br. 15 (Claims App.).

The Examiner determines that the limitation a "looped head" is unclear, "as this term is not used in the [S]pecification or previously submitted claims. Rather the 'bolt having a looped head' is described and previously claimed as being an eye bolt"; thus, "[i]t is unclear if this term is merely meant to reference an eye bolt, or if any additional limitations are meant to be placed on the device." Final Act. 3; *see also* Ans. 3-4 ("The claimed bolt having a looped head of claim 33 is previously claimed in claim 5 as an 'eye bolt.'" Thus, "[i]t is unclear if the term 'bolt having a looped head' is simply meant to define an 'eye bolt' or if additional limitations are meant to be claimed by the term.").

In this case, we agree with Appellant that the fact that the term "looped head" "is not used in the [S]pecification or previously submitted claims' is not a basis for a finding of indefiniteness" and "whether 'the term is merely meant to reference an eye bolt, or if any additional limitations are meant to be placed on the device' does not render the terminology unclear." Appeal Br. 5. Moreover, the Specification describes that "[t]he cable (410) attaches to the mounting bracket (400) by way of a connector, *such as* an eye

bolt (407), as shown in FIG. 3.” Spec. 9 (emphasis added), Fig. 3. In other words, “those skilled in the art would understand what is claimed when the claim is read in light of the [S]pecification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986) (citations omitted); *see also* Reply Br. 2. By specifying “a bolt having a looped head,” claim 33 is merely broad, not indefinite. *See In re Johnson*, 558 F.2d 1008, 1016 n.17 (CCPA 1977) (breadth is not indefiniteness).

For these reasons, we do not sustain the Examiner’s rejection of claim 33 for indefiniteness.

Obviousness over Lueddecke and Hoffmann

Claims 1–3, 5, 6, 8, 9, 13, 15–20, 28–31, and 33–35

Appellant does not offer arguments in favor of independent claims 8, 28, and 29, or dependent claims 2, 3, 5, 6, 9, 15–20, 30, 31, and 33–35 separate from those presented for independent claim 1. *See* Appeal Br. 5–10. We select claim 1 as the representative claim, and claims 2, 3, 5, 6, 8, 9, 13, 15–20, 28–31, and 33–35 stand or fall with claim 1. 37 C.F.R. § 41.37(c)(1)(iv) (2018). We address claims 4, 7, 10, 11, 12, 14, 21–27, and 32 separately below.

Appellant contends that the Examiner’s determination that ““it would have been obvious . . . to use the mounting bracket of Hoffman to connect the cables of Lueddecke to the ceiling structure, as this would merely be using known elements for their known functions and would yield predictable results”” constitutes “merely a conclusory statement.” Appeal Br. 6 (quoting Final Act. 4; Examiner’s emphasis omitted).As an initial matter, we disagree with Appellant that the Examiner’s reasoning is merely a “conclusory statement.” *See id.* Further, Appellant does not apprise us how the

Examiner’s proposed modification of Lueddecke’s fan device with the mounting bracket of Hoffman would not “yield predictable results.” *See* Appeal Br. 5–6; *see also* Reply Br. 1–4.

In the Answer, the Examiner explains that “Lueddecke does not provide details as to how the cable members are to be mounted to the ceiling structure, rather Lueddecke merely states that [the cables] are ‘attached to the lower outer sleeve member 326 and to support points on the building.’” Ans. 4 (citing Lueddecke 15:9–10). The Examiner further explains that “Hoffman teaches an exemplary mounting bracket for attaching to ceiling structures, such as the support points referenced by Lueddecke.” *Id.* The Examiner reasons that it, therefore, would have been obvious to a skilled artisan “to use the known mounting brackets of Hoffmann with the device of Lueddecke, as this would be using known elements for their known functions, which would yield predictable results.” Ans. 4; *see also* Final Act. 4, 7. Appellant does not apprise us of Examiner error. *See* Appeal Br. 5–6; *see also* Reply Br. 1–4.

In particular, Appellant does not provide persuasive evidence or argument as to why the Examiner’s proposed modifications would not have yielded predictable results. A *prima facie* conclusion of obviousness may be supported by a showing that the claims are directed to a process, machine, manufacture, or composition of matter already known in the prior art that is altered by the mere substitution of one element for another known in the field, and such modification yields a predictable result. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007). “[I]f a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is

obvious unless its actual application is beyond his or her skill.” *Id.* at 417, 421 (“A person of ordinary skill is also a person of ordinary creativity, not an automaton.”).

Further, Appellant does not explain with any specificity why a person of ordinary skill in the art would not have had a reasonable expectation of success in making the proposed modifications. *See In re O’Farrell*, 853 F.2d 894, 903–04 (Fed. Cir. 1988) (explaining that absolute predictability that the substitution will be successful is not required; all that is required is a reasonable expectation of success).

For these reasons, we sustain the Examiner’s rejection of claim 1 as unpatentable over Lueddecke and Hoffmann. We further sustain the rejection of claims 2, 3, 5, 6, 8, 9, 13, 15–20, 28–31, and 33–35, which fall with claim 1.

Claims 4 and 14

Claim 4 depends indirectly from claim 1 and recites “wherein the adjustable bar comprises multiple bolt holes, and the brackets comprise *slots* adapted for receiving a bolt extending within any of the multiple bolt holes.” Appeal Br. 12 (Claims App.) (emphasis added). Claim 14 depends indirectly from claim 8 and recites “wherein each of the brackets includes a *slot* for receiving one of the bolts.” Appeal Br. 12–13 (Claims App.) (emphasis added). Appellant does not separately argue claim 14. *See* Appeal Br. 3–10; *see also* Reply Br. 1–4. However, because claim 14 requires a similar limitation as that in claim 4 and the Examiner appears to rely on the same teachings for claim 14 as for claim 4, we address claim 14 here also. *See* Appeal Br. 12–13 (Claims App.); *see also* Final Act. 5.

The Examiner finds that passage opening 38 of Hoffmann constitutes the “slot” of the claims. *See* Final Act. 5; *see also* Ans. 5. Appellant contends that “Appellant has defined a ‘slot’⁸ as ‘a narrow opening; a groove or slit’” and that “passage opening 38 of Hoffman fails to qualify as a ‘long, narrow cut or slot’, as is required by the claim[s].” Reply Br. 2–3; *see also* Appeal Br. 6.

Hoffmann describes element 38 as a “passage opening” provided at second clamp section 33 “for a rail nut configured as a fixation means 39 for affixing the support section 13.” Hoffmann ¶ 33, Fig. 2. Hoffmann also describes that “attachment elements 21 each have a receiving part 25 . . . , which are *configured as slot-shaped apertures* running from the first member 22 via the connecting section 24 to the second member 23.” Hoffmann ¶ 32 (emphasis added), Fig. 1. As Hoffmann explicitly illustrates and describes a “slot-shaped aperture[]” 25 and merely describes element 38 as a “passage opening,” we agree with Appellant that the Examiner fails to establish adequately by a preponderance of the evidence that “passage opening” 38 of Hoffmann constitutes a “slot” as called for in claims 4 and 14. *See* Appeal Br. 6; *see also* Reply Br. 2–3; Final Act. 5; Ans. 5; Hoffmann ¶¶ 32, 33.

Accordingly, we do not sustain the Examiner’s rejections of claims 4 and 14 as unpatentable over Lueddecke and Hoffmann.

⁸ Appellant cites to “*The American Heritage® Dictionary of the English Language, Fifth Edition* copyright ©2018 by Houghton Mifflin Harcourt Publishing Company” for the definition of the term “slot.” Appeal Br. 6.

Claims 7 and 12

Claim 7 depends directly from claim 1 and recites “wherein the ceiling structure comprises a plurality of joists, and each mount is adapted for *enveloping a portion of one of the joists.*” Appeal Br. 12 (Claims App.) (emphasis added). Claim 12 depends indirectly from claim 8 and recites “wherein each mounting bracket is adapted to *envelop a portion of the joist.*” Appeal Br. 12–13 (Claims App.) (emphasis added).

The Examiner finds that “the ceiling structures of Luddecke and Hoffmann comprises joists(See Luddecke C14 L37-38, and Hoffmann 1) and each mount of Hoffman is adapted for enveloping a portion of one of the joists.” Final Act. 5.

Appellant contends that the Specification at page 9 describes “[w]hen completely assembled, the exemplary mounting bracket (400) envelops a ceiling joist (450) as shown in FIGS. 1, 3, and 5” and that “the Examiner’s rejection is not based on the broadest reasonable interpretation of the claims” in that “[t]he claims require ‘enveloping,’ which is defined as ‘surrounding’”⁹ and that “[n]owhere does the rejection establish that the mount in Hoffman ‘surrounds’ a portion of the joist, or that a broader meaning of the term inconsistent with Appellant’s [S]pecification should be applied as the broadest reasonable interpretation.” Appeal Br. 7.

Hoffmann discloses that attachment construction 11 “comprises two retaining elements 31 for retaining the support section 13 on the steel

⁹ Appellant cites to “*The American Heritage® Dictionary of the English Language, Fifth Edition copyright ©2018 by Houghton Mifflin Harcourt Publishing Company*” for the definition of the term “enveloping.” Appeal Br. 7.

support 1” and that “[e]ach retaining element 31 has a first clamp section 32, a second clamp section 33 and a connecting section 34, connecting the first clamp section 32 and the second clamp section 33, *for gripping around an edge of the support* [1].” Hoffmann ¶ 33 (emphasis added), Fig. 2. Based on Hoffmann’s disclosure, under the broadest reasonable interpretation, which is consistent with Appellant’s Specification, we agree with the Examiner that “mount (11) of Hoffman, shown in figure 1 of Hoffman clearly envelopes or surrounds a portion of the joist (1)[,] as required by the claims.” Ans. 5; *see also* Hoffmann, Figs. 1, 2.

For these reasons, we sustain the Examiner’s rejection of claims 7 and 12 as unpatentable over Lueddecke and Hoffmann.

Claim 10

Claim 10 depends indirectly from claim 8 and recites “wherein the support comprises an elongate, metal *tube-like structure* that couples the fan to the ceiling.” Appeal Br. 12 (Claims App.) (emphasis added).

The Examiner finds that “the support(300) of Luddecke comprises an elongate metal tube like structure that coupled the fan to the ceiling.” Final Act. 5.

Appellant contends that “support 300 in Lueddecke appears to be an angle iron, which is not established as being ‘tube-like.’” Appeal Br. 8; *see also* Reply Br. 3–4. Appellant also includes a definition of the term “tube”¹⁰

¹⁰ Appellant cites to “*The American Heritage® Dictionary of the English Language, Fifth Edition* copyright ©2018 by Houghton Mifflin Harcourt Publishing Company” for the definition of the term “tube.” Appeal Br. 8.

as “[a] hollow cylinder, especially one that conveys a fluid or functions as a passage” and contends that “support 300 is merely a flat plate” that “does not qualify as a tube.” *See* Appeal Br. 8; *see also* Reply Br. 4.

Lueddecke discloses that Figure 9 “shows one exemplary embodiment of a support structure 300 usable with the large area fan 100 according to this invention,” that Figure 10 “shows one exemplary embodiment of a fan hub drive shaft 200 according to this invention, as attached to the exemplary embodiment of the support structure 300 showing FIG. 9, and that Figure 15 “illustrates one exemplary embodiment of the guy wires 350 and *the sleeve assembly 320 of the support structure 300.*” Lueddecke 14:35–37, 15:18–21, 17:35–37 (emphasis added), Figs. 9, 10, 15.

From Lueddecke’s disclosure and figures, we understand structure 300 of Lueddecke to represent the “entire” support structure 300, which includes, for example, support member 310, upper outer sleeve 322/lower outer sleeve 326 (i.e., sleeve assembly 320), and mounting plate 330. These structures “collectively” represent support structure 300 that “is capable of supporting the weight and forces of the large area fan 100.” *See* Lueddecke 14:37–41, 17:35–37, Figs. 9, 10, 13, 14, 15. Based on this understanding, a skilled artisan would recognize that support structure 300 of Lueddecke comprises (includes) an elongate, metal tube-like structure 320 that couples the fan 100 to the ceiling. *See* Final Act. 5; *see also* Appeal Br. 12 (Claims App.).

For these reasons, we sustain the Examiner’s rejection of claim 10 as unpatentable over Lueddecke and Hoffmann.

Claims 11 and 32

Claim 11 depends directly from claim 8 and recites “wherein the cables are connected to the fan by way of turnbuckles attached to a bracket *located between a motor assembly and a gearbox* of the fan.” Appeal Br. 12–13 (Claims App.) (emphasis added). Claim 32 depends directly from claim 8 and recites “wherein the cables are attached to the fan *between a motor assembly and a gearbox of the fan.*” Appeal Br. 12, 14 (Claims App.) (emphasis added). Appellant does not separately argue claim 32. *See* Appeal Br. 3–10; *see also* Reply Br. 1–4. However, as claim 32 requires a similar limitation as claim 11 and the Examiner relies on the same teachings for claim 32 as for claim 11, we address claim 32 here also. Appeal Br. 13–14 (Claims App.); *see also* Final Act. 5.

The Examiner finds Luddecke does not teach that bracket 330 is located between motor assembly 250 and gearbox 230. Final Act. 5. However, the Examiner reasons that it would have been obvious to a skilled artisan “to place the bracket between the motor and gearbox, such as locating the bracket(330) on the face of the gearbox connected to the motor assembly, as a matter of obvious design choice, as this would result in the same functionality as the arrangement disclosed by Luddecke.” *Id.*

Here, we agree with Appellant that the Examiner’s position that locating bracket 330 between motor assembly 250 and gearbox 230 of Luddecke “would result in the same functionality as the arrangement disclosed by Luddecke” “is pure speculation” and is not supported by a preponderance of the evidence. *See* Appeal Br. 9; *see also* Final Act. 5; Luddecke, Fig. 10. Additionally, we agree with Appellant that locating “mounting plate 330 ‘between’ the motor [250] and the gearbox [230] would

require a complete reworking of the Lueddecke arrangement.” *See* Appeal Br. 9; *see also* Lueddecke, Fig. 10 (depicting motor 250 and gearbox 230 being spaced laterally away (offset) from bracket 330).

For these reasons, we do not sustain the Examiner’s rejection of claims 11 and 32 as unpatentable over Lueddecke and Hoffmann.

Claims 21–27

Appellant does not offer arguments in favor of dependent claims 22–27 separate from those presented for independent claim 21. *See* Appeal Br. 10. We select claim 21 as the representative claim, and claims 22–27 stand or fall with claim 21. 37 C.F.R. § 41.37(c)(1)(iv) (2018).

Independent claim 21 is directed to “[a] mounting assembly for connecting with a cable extending between a support structure and a fan” including “first and second brackets, each including a first leg and a second leg” and “at least one second fastener for connecting with the second legs.” Appeal Br. 13 (Claims App.)

The Examiner finds that Hoffmann discloses “the first and second brackets include a first leg(34) and a second leg(32), first fasteners(39) for connecting with one of the first legs, second fasteners(37) for connecting with the second legs.” Final Act. 6; *see also* Ans. 7 (“[A]s can clearly be seen in Figure 2 of Hoffman, the fastener (37) is clearly shown as connecting with the second leg(32).”).

Appellant contends that “the Examiner never articulates the basis for claiming that the fastener 37 in Hoffman is for ‘connecting with the second leg’ 32.” Appeal Br. 10. Appellant also contends Hoffman discloses that “the fixation means 37 is tightened on a first clamp section 32. The fixation means 37 is further used to fasten construction 11 on the steel support, rather

than connect with the first clamp 32.” Reply Br. 3. As such, “[g]iven this description, Appellant asserts that the fastener 37 of Hoffman is not for ‘connecting with second leg 32’, but rather, for connecting construction 11 with the disclosed steel support.” Reply Br. 3.

Hoffmann discloses that “[b]y tightening the fixation means 37 on the first clamp section 32, the fastening construction 11 is removably affixed on the steel support [1].” Hoffmann ¶ 34, Figs. 1, 2. Stated differently, *connecting* fixation means 37 *with* first clamp section 32 enables fastening construction 11 to be removably affixed on steel support 1 via the tightening of fixation means 37. As such, under the broadest reasonable interpretation, the Examiner adequately establishes by a preponderance of the evidence that Hoffmann discloses “at least one second fastener for connecting with the second legs,” as called for in claim 21. *See* Appeal Br. 13 (Claims App.); *see also* Final Act. 6; Ans. 7.

Appellant contends that the Examiner fails to articulate a reason based on rational underpinnings for combining Lueddecke and Hoffman. *See* Appeal Br. 10; *see also* Reply Br. 3. However, as clarified by the Examiner in the Answer, similar to claim 1, the Examiner proposes modifying Lueddecke’s fan device with the mounting bracket of Hoffman and reasons that such a proposed modification would “yield predictable results.” *See* Ans. 4, 7; *see also* Final Act. 4, 6. Additionally, similar to that discussed above for claim 1, Appellant does not apprise us how the Examiner’s proposed modification of Lueddecke’s fan device with the mounting bracket of Hoffman would not “yield predictable results.” *See* Appeal Br. 10; *see also* Reply Br. 3. As such, Appellant does not apprise us of error in the Examiner’s proposed reasoning for modifying Lueddecke with Hoffman.

For these reasons, we sustain the Examiner's rejection of claim 21 as unpatentable over Lueddecke and Hoffmann. We further sustain the rejection of claims 22–27, which fall with claim 21.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
35	112, first paragraph	Written Description	35	
33	112, second paragraph	Indefiniteness		33
1–34	103(a)	Lueddecke, Hoffmann	1–3, 5–10, 12, 13, 15–31, 33–35	4, 11, 14, 32
Overall Outcome			1–3, 5–10, 12, 13, 15–31, 33–35	4, 11, 14, 32

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