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Ford Global Technologies, LLC/ King & Schickli, PLLC 800 CORPORATE DRIVE, SUITE 200 Lexington, KY 40503			LIN, KO-WEI	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JUANITO YU CO and LEONARD ANTHONY SHANER

Appeal 2019-004002
Application 14/612,723
Technology Center 3700

Before JENNIFER D. BAHR, MICHAEL L. HOELTER, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

MARSCHALL, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–20, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ 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. Appeal Br. 3.

CLAIMED SUBJECT MATTER

The invention relates to “a ventilation device mounted in a vehicle window having a forced air feature for ventilation exhaust of hot interior air from the vehicle.” Spec. ¶ 1. Claims 1 and 20 are independent. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. An air vent for mounting in a vehicle window frame, comprising:

a one-piece body having an interior face and an exterior face;

a passive ventilation feature including an air pathway extending from a first opening in said interior face to a second opening in said exterior face; and

a forced air ventilation feature carried by said body;

said forced air ventilation feature including a ventilation fan, an air exhaust outlet and a closure for said exhaust outlet displaceable between an open position and a closed position.

Appeal Br. 17 (Claims App.).

REJECTIONS ON APPEAL

1. Claims 1, 12, and 20 are rejected under 35 U.S.C. § 103 as unpatentable over Rivers² and Fujimoto.³ Final Act. 2, 9–10.
2. Claims 2–9 are rejected under 35 U.S.C. § 103 as unpatentable over Rivers, Fujimoto, and Sacks.⁴ Final Act. 3–4.
3. Claims 10 and 11 are rejected under 35 U.S.C. § 103 as unpatentable over Rivers, Fujimoto, and Matthews.⁵ Final Act. 5.

² US 3,434,408, issued March 25, 1969 (“Rivers”).

³ JP 01–190526, published July 31, 1989 (“Fujimoto”).

⁴ US 2012/0028563 A1, published February 2, 2012 (“Sacks”).

⁵ US 2006/0199523 A1, published September 7, 2006 (“Matthews”).

4. Claims 13 and 14 are rejected under 35 U.S.C. § 103 as unpatentable over Rivers, Fujimoto, and McClary.⁶ Final Act. 5.
5. Claims 15–19 are rejected under 35 U.S.C. § 103 as being unpatentable over Rivers, Fujimoto, and Bliss.⁷ Final Act. 7.

OPINION

Independent claims 1 and 20 both require “a one-piece body.” Appeal Br. 17, 20 (Claims App.). The Examiner finds that Rivers discloses a one-piece body designated 10, which includes three panels 12, 14, 16 laminated together. Final Act. 2, 10. The Examiner finds that since panels 12, 14, 16 of Rivers are bonded together, “body 10 is a one-piece body when in use.” *Id.*; *see also* Ans. 12.

Appellant argues that because body 10 of Rivers is made up of multiple panels, they “do not qualify as the claimed one-piece body.” Appeal Br. 11. Appellant also notes that the parent application, which the Specification incorporates by reference, disparages Rivers and other prior art, and the use of “multiple components that increase their cost of production.” *Id.* at 12 (quoting U.S. Patent App. No. 14/311,552).

We agree with Appellant that the Examiner erred in finding that Rivers discloses “a one-piece body” as required by independent claims 1 and 20. The Examiner and Appellant agree that Rivers discloses body 10 made up of three separate panels, bound together when in use. Final Act. 2; Ans. 12; Appeal Br. 12. In order to read the “one-piece body” limitation on Rivers, the Examiner implicitly construes “one-piece body” to encompass

⁶ US 6,042,473, issued March 28, 2000 (“McClary”).

⁷ US 1,783,276, issued December 2, 1930 (“Bliss”).

bodies made up of multiple pieces bound together in some manner. We do not agree with this construction for several reasons. First, the claim language itself—“*one-piece* body”— suggests that it must consist of a single piece rather than multiple pieces. Second, the Specification only discloses bodies made of one, monolithic piece of material when referring to a one-piece body. *See* Spec. Figs. 2, 3a–3c, 4–7, ¶¶ 28, 50. Third, the Specification contrasts the “one-piece” bodies of these embodiments with a different embodiment with a body made “from multiple pieces that are joined together.” Spec. ¶ 50 (describing lap joint 108 made from multiple pieces that may be secured together with an optional adhesive). Finally, the Specification incorporates by reference its parent application, which disparages Rivers and other art on the basis that “such devices are generally overly complicated in construction and incorporate multiple components that increase their cost of production.” *See* US 2015/0367709 A1 ¶ 2 (publication of U.S. App. No. 14/311,552); Spec. 1 (incorporating by reference App. No. 14/311,552). Based on the foregoing, we construe “one-piece body” in claims 1 and 20 to require a single, monolithic body, which does not encompass bodies made up of multiple pieces bound together.

Based on our construction, the Examiner’s finding that Rivers discloses “a one-piece body” based on a broader implicit construction lacks an adequate foundation because Rivers discloses multiple panels making up body 10. Accordingly, we do not sustain the rejection of independent claims 1 and 20.⁸ The Examiner relies on the same flawed findings as support for

⁸ The Examiner does not address, and we do not reach, whether any claims would have been obvious even if Rivers does not disclose the “one-piece body” limitation because making a part from one piece rather than two

the rejections of claims 2–19 without relying on additional prior art in a manner that remedies the deficiencies addressed above. *See* Final Act. 2–9. Accordingly, we do not sustain the rejections of claims 2–19 for the same reasons as claims 1 and 20.

DECISION

We reverse the Examiner’s rejection of claims 1–20.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 12, 20	103	Rivers, Fujimoto		1, 12, 20
2–9	103	Rivers, Fujimoto, Sacks		2–9
10, 11	103	Rivers, Fujimoto, Matthews		10, 11
13, 14	103	Rivers, Fujimoto, McClary		13, 14
15–19	103	Rivers, Fujimoto, Bliss		15–19
Overall Outcome				1–20

REVERSED

would have been obvious. *See* Final Act. 2 (finding that body 10 of Rivers “*is* a one-piece body,” not determining that a multiple piece body would render a one-piece body obvious (emphasis added)); *see also Howard v. Detroit Stove Works*, 150 U.S. 164, 170 (1893) (The prior art grate “is cast in two pieces, while the [claimed invention] is cast in one piece. This does not involve patentable invention.”).