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28289	7590	02/26/2020	EXAMINER	
THE WEBB LAW FIRM, P.C. ONE GATEWAY CENTER 420 FT. DUQUESNE BLVD, SUITE 1200 PITTSBURGH, PA 15222			YOON, SEAHEE	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JURJEN JAN DE JONG

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Appeal 2019-005035  
Application 14/324,903  
Technology Center 3700

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Before NINA L. MEDLOCK, 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<sup>1</sup> appeals from the Examiner's decision to reject claims 1–4, 8, and 10–16. 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 Steril B.V. Appeal Br. 3.

According to Appellant, “[t]he invention relates to a lifting column for lifting a load, such as a vehicle.” Spec. 1, l. 6. Claim 1 is the sole independent claim on appeal. Below, we reproduce claim 1 as representative of the appealed claims:

1. A lifting system for lifting a vehicle, comprising:
  - a plurality of individual lifting columns, wherein each of the individual lifting columns comprises:
    - a frame with a carrier configured for carrying the vehicle;
    - a drive for driving the carrier in at least one of an ascent or descent of the carrier; and
    - a modular power system configured for providing power to the drive and adapted to comprise a variable number of energy storage systems, wherein the variable number of energy storage systems can be selected based on the lifting requirements of the lifting column; and
    - a central controller comprising a central energy storage management system capable of monitoring energy storage system status of the energy storage systems of each of the individual lifting columns.

#### REJECTIONS AND PRIOR ART

The Examiner rejects the claims as follows:

- I. Claims 1–3, 8, and 10–16 under 35 U.S.C. § 103(a) as unpatentable over Finkbeiner et al. (US 2012/0037864 A1, pub. Feb. 16, 2012) (“Finkbeiner”) and Bordwell et al. (US 8,083,034 B2, iss. Dec. 27, 2011) (“Bordwell”); and
- II. Claim 4 under 35 U.S.C. § 103(a) as unpatentable over Finkbeiner, Bordwell, and De Jong (US 8,251,184 B2, iss. Aug. 28, 2012) (“De Jong”).

## ANALYSIS

### Rejection I—Obviousness rejection of claims 1–3, 8, and 10–16

As set forth above, independent claim 1 recites, in relevant part, “a central controller comprising a central energy storage management system capable of monitoring energy storage system status of the energy storage systems of each of the individual lifting columns.” Appeal Br., Claims App. (underlining added). However, the Examiner does not rely on either Finkbeiner or Bordwell to disclose this claim recitation. *See generally* Answer.

Instead, the Examiner relies on “Finkbeiner . . . [to] discloses that each of the individual lifting column[s] . . . comprises . . . [a] controller comprising [an] energy storage management system” that monitors that individual lifting column’s energy storage system. *Id.* at 3 (citations to Finkbeiner omitted). The Examiner then relies on “Bordwell . . . [to] teach[] a use of a central controller . . . to control a number of individual lifting columns.” *Id.* at 4 (citations to Bordwell omitted). The Examiner determines that

[i]t would have been obvious . . . to modify Finkbeiner . . . (which discloses a use of an energy storage management system) to use one single central controller for a number of lifting columns instead of using a separate controller for each of the individual lifting columns, as clearly taught by Bordwell . . . , for the purpose of controlling all lifting columns at once.

*Id.*; *see also* Final Action 7–8.

As we state above, we do not sustain the rejection. This is because the record does not indicate that the Examiner relies on either reference to disclose the argued claim recitation. Further, the Examiner does not

demonstrate any place in the record supporting that modifying one of Finkbeiner's individual lifting columns so that that column's controller controls (e.g., movement of) a number of additional lifting columns, would render obvious using the controller to monitor the additional lifting columns' energy storage systems. *See, e.g., generally* Answer; *see, e.g., generally* Final Action. We would require further guidance from the Examiner to demonstrate that it would have been obvious to combine the references to provide an arrangement in which one controller monitors the energy storage systems of multiple columns.

Based on the foregoing, we do not sustain the Examiner's obviousness rejection of independent claim 1. Accordingly, we do not sustain the Examiner's rejection of claims 2, 3, 8, and 10–16 that depend from, and the Examiner rejects with, claim 1.

*Rejection II—Obviousness rejection of claim 4*

Claim 4 depends from independent claim 1. As discussed above, we do not sustain claim 1's obviousness rejection. The Examiner does not rely on De Jong to disclose anything that would remedy the deficiency in claim 1's rejection. Thus, we do not sustain the Examiner's obviousness rejection of dependent claim 4.

CONCLUSION

We REVERSE the Examiner's obviousness rejections of claims 1–4, 8, and 10–16.

Appeal 2019-005035  
Application 14/324,903

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-3, 8, 10-16	103(a)	Finkbeiner, Bordwell		1-3, 8, 10-16
4	103(a)	Finkbeiner, Bordwell, De Jong		4
<b>Overall Outcome</b>				1-4, 8, 10-16

REVERSED