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Stanley Black & Decker, Inc. 6201 Greenleigh Avenue, MR045 Middle River, MD 21220			CHANDLER, KAITLY V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NATHAN OSBORNE, COREY REDMOND,
DUSTIN JEFFRIES, RALPHY A. LOUIS, MICHAEL VARIPATIS,
BHANUPRASAD V. GORTI, and DANIEL J. WHITE

Appeal 2019-005221
Application 14/755,737
Technology Center 1700

Before BEVERLY A. FRANKLIN, JEFFREY R. SNAY, and LILAN REN,
Administrative Patent Judges.

SNAY, *Administrative Patent Judge.*

DECISION ON APPEAL
STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision rejecting claims 1–12, 19, and 20. A hearing was held on September 17, 2020, a transcript of which will be made of record. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies Black & Decker Inc. as the real party in interest. Appeal Br. 3.

BACKGROUND

The invention relates to a battery pack such as for a cordless power tool. Spec. ¶ 2. Claims 1 and 19 read as follows:

1. A battery pack, comprising:
a battery cell holder, wherein the battery cell holder comprises a plurality of frames with each of the frames defining a cavity and adjacent frames connected to each other; and
at least one pouch battery cell disposed in the cavity of each of the frames, wherein pouch battery cells disposed in adjacent frames are electrically connected to each other,
wherein the plurality of frames are arranged in a stacked configuration.

19. A battery pack, comprising:
a battery cell holder, wherein the battery cell holder comprises a tray defining a cavity;
a plurality of pouch battery cells arranged in a stacked configuration inserted into the cavity; and
a lid coupled to the tray to cover the plurality of pouch battery cells in the tray.

Appeal Br. 15–17 (Claims Appendix). Each remaining claim on appeal depends from claim 1 or 19.

REJECTIONS²

I. Claims 1–4, 8, 9, 11, 12, 19, and 20 stand rejected under 35 U.S.C. § 102(a)(1) as anticipated by Kim.³

II. Claims 5–7 and 10 stand rejected under 35 U.S.C. § 103 as unpatentable over Kim and Lev.⁴

² A rejection of claim 11 under 35 U.S.C. § 112 has been withdrawn by the Examiner. *See* Office Communication, mailed July 1, 2019.

³ US 8,173,293 B2, issued May 8, 2012 (“Kim”).

⁴ US 2013/0207612 A1, published August 15, 2013 (“Lev”).

OPINION

Rejection I: anticipation

Claim 1

Relevant to Appellant’s arguments on appeal, the Examiner finds Kim describes all of the features recited in claim 1, including pouch battery cells 123, 113 disposed within frames 121b, 111b. Final Act. 3 (citing Kim Figures 3 and 9–11).

Appellant argues Kim does not describe a pouch battery cell as is recited in claim 1. Appeal Br. 10–11. Particularly, Appellant contends the Specification uses “pouch cell battery” and “pouch cell” interchangeably, and describes the latter as “utiliz[ing] a sealed, metal/polymer laminated pouch 28 to hold the internal components of the cell 26.” *Id.* at 10 (quoting Spec. ¶ 87). Thus, according to Appellant, Kim’s electrode assembly 113, 123 does not meet the recited pouch cell battery because it does not include a laminated pouch. *Id.* at 11. Appellant also contends Kim states, “[e]ach pouch battery 110 and 120 includes an electrode assembly 113 and 123 in a pouch forming a case.” *Id.* at 10–11 (quoting Kim 4:18–21). Thus, according to Appellant, Kim’s case is part of the pouch battery cell and, for that reason, cannot be relied upon to meet the frame recitation in claim 1. *Id.* at 11.

Appellant’s arguments are not persuasive of reversible error. Claim 1 recites, “at least one pouch battery cell disposed in the cavity of each of the frames.” Appellant does not point to language in the claims that would limit or otherwise define the scope of the term “pouch battery cell.” Although the Specification refers to a metal/polymer laminated pouch for holding internal components of a pouch cell battery (Spec. ¶ 87), that feature is not recited in

the claim. Nor does the Specification provide a definition of the term. *See id.* (characterizing a sealed laminated pouch holding internal components as “an example illustration” of pouch cells). Thus, Appellant does not identify error in the Examiner’s finding that Kim describes pouch battery cells in the form of electrode assemblies 113, 123. Moreover, even if Kim were viewed such that case elements 111b, 121b were components of a pouch battery cell, Appellant does not persuade us that Kim’s case elements are structurally distinguishable from the recited frames. Appellant does not point to language in claim 1 which would require a pouch battery cell to be disposed entirely within a frame. Nor does Appellant point to language in claim 1 which would require the recited pouch battery cell and frame to be distinct components. In that context, Kim is reasonably alternatively viewed as disclosing a pouch cell battery 113, 111b which includes an electrode assembly component 113 of the battery disposed within a frame 111b.

For the foregoing reasons, we are not persuaded of error in the Examiner’s anticipation rejection as applied to claim 1.

Claim 19

Appellant does not separately argue claim 19, except to rely on the same arguments presented in connection with claim 1. *See* Appeal Br. 12. As such, Appellant also does not identify error in the Examiner’s rejection as applied to claim 19.

Appellant does not separately argue any other claim. Accordingly, for the foregoing reasons, we sustain the Examiner’s anticipation rejection as applied to each of claims 1–4, 8, 9, 11, 12, 19, and 20.

Rejection II: obviousness

With regard to the Examiner's obviousness rejection, Appellant solely argues the Examiner does not rely on Lev to overcome the purported shortcomings of the Examiner's anticipation rejection of claim 1. Appeal Br. 13. Because Appellant does not persuade us of error in the Examiner's rejection of claim 1, the Examiner's obviousness rejection as applied to claims 5–7 and 10 also is sustained.

CONCLUSION

The Examiner's decision rejecting claims 1–12, 19, and 20 is affirmed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–4, 8, 9, 11, 12, 19, 20	102(a)(1)	Kim	1–4, 8, 9, 11, 12, 19, 20	
5–7, 10	103	Kim, Lev	5–7, 10	
Overall outcome			1–12, 19, 20	

TIME PERIOD FOR REPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED