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14/625,843	02/19/2015	Robert Steven Sawyer	83503800	8791
121691	7590	06/02/2020	EXAMINER	
Ford Global Technologies, LLC/ King & Schickli, PLLC 800 CORPORATE DRIVE, SUITE 200 Lexington, KY 40503			MAY, ELIZABETH M	
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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* ROBERT STEVEN SAWYER,  
MICHAEL STEVEN WALLIS, and CHARLES ROBERT STANTON

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Appeal 2019-006425  
Application 14/625,843  
Technology Center 3700

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Before JILL D. HILL, LEE L. STEPINA, and  
ARTHUR M. PESLAK, *Administrative Patent Judges*.

HILL, *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 1–8, 10–13, and 15–20. *See* Final Act.

1. 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 Ford Global Technologies, LLC. Appeal Br. 3.

## BACKGROUND

Appellant's invention relates to a vehicle ventilation system incorporating an inlet duct including a poppet valve. Claims 1 and 18 are independent. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A vehicle ventilation system, comprising:
  - an inlet duct including a poppet valve, wherein said poppet valve includes a fresh air inlet sealing face, a fresh air passageway and a recirculating air inlet sealing face, wherein the fresh air inlet sealing face is connected to a lower lip of the recirculating air sealing face by a series of spaced posts and wherein the fresh air passageway extends around an entirety of the poppet valve between the series of spaced posts;
  - an evaporator core;
  - a heater core;
  - an air discharge duct;
  - a blower moving air from said inlet duct through at least one of said evaporator core and said heater core to said air discharge duct.

## REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Albrecht	US 5,010,916	Apr. 30, 1991
Ichimaru	US 6,971,628 B2	Dec. 6, 2005
Hirai	US 7,958,740 B2	June 14, 2011
Foster <sup>2</sup>	GB 2 123 947 A	Feb. 8, 1984

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<sup>2</sup> Foster is only cited by the Examiner in support of the assertion that poppet valves are known for use in vehicle ventilation systems. *See* Final Act. 7.

## REJECTIONS

I. Claims 1 and 18 stand rejected under 35 U.S.C. § 112(b) as being indefinite. Final Act. 4.

II. Claims 1–8, 10–13, and 15–20 stand rejected under 35 U.S.C. § 103 as unpatentable over Hirai, Ichimaru, and Albrecht. Final Act. 5.

## OPINION

### *Rejection I; Indefiniteness*

The Examiner finds that claims 1 and 18 are indefinite because it is unclear how a poppet valve that includes a fresh air passageway can have the fresh air passageway extend around an entirety of the poppet valve. Final Act. 4. According to the Examiner, “the fresh air passageway cannot extend around an entirety of itself.” *Id.* at 5.

Appellant argues that “the phrase at issue is entirely consistent with Appellant’s specification and a skilled artisan would readily understand what is claimed when the claim is read in light of the specification.” Appeal Br. 10. In particular, Appellant asserts that paragraph 28 and Figure 3 provide support for the phrase. *Id.*

The Examiner states that additional limitations from the preferred embodiment would be required to make the claims definite and the Examiner declines to import limitations from the Specification into the claims. Ans. 15. The Examiner states that amending the claims to more accurately reflect the disclosed structure would be sufficient to overcome the rejection. Ans. 16.

The test for definiteness under 35 U.S.C. § 112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification.” *Orthokinetics, Inc. v. Safety*

*Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986). In this case, we agree with Appellant that “a skilled artisan would readily understand what is claimed when the claim is read in light of the specification.” Appeal Br. 10. Specifically, poppet valve 15 includes fresh air passageway 42 as depicted in Figure 3, reproduced below.

FIG. 3

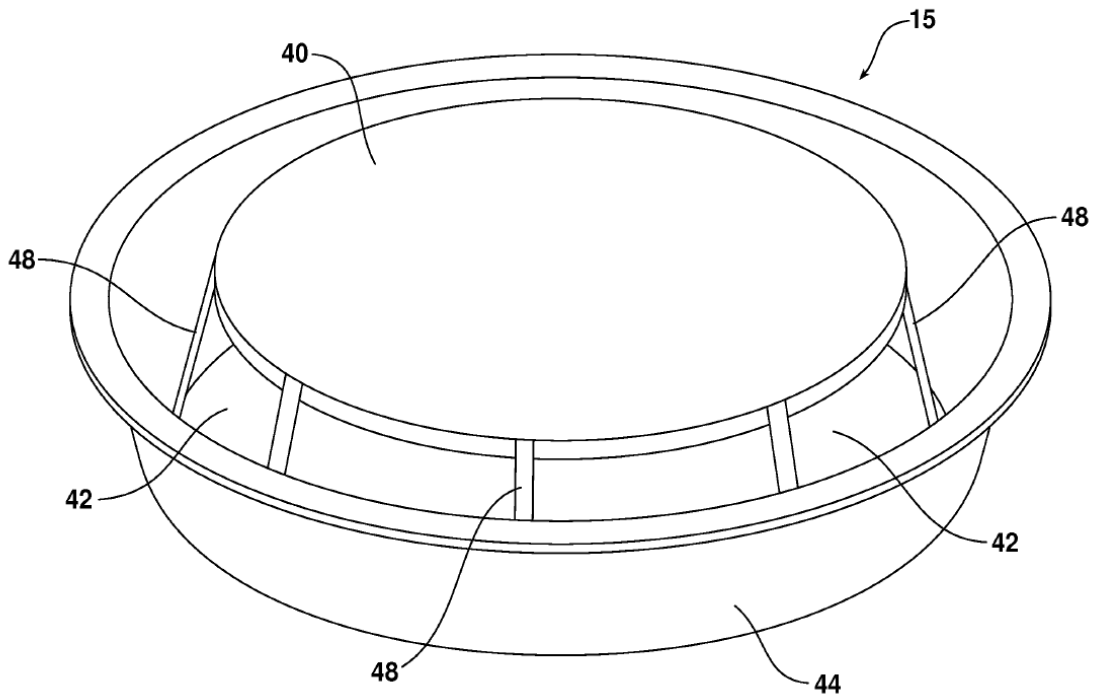


Figure 3 is a perspective view of the poppet valve that is provided in the air inlet duct. Spec. ¶ 16. The Specification discloses that “fresh air passageway 42 is designed all the way around the poppet valve 15 between the posts 48.” Spec. ¶ 28. The Specification also discloses that “the fresh air passageway 42 extends concentrically around the fresh air inlet sealing face 40 while the recirculating air inlet sealing face 44 extends concentrically around the fresh air passageway 42.” *Id.* Based on what is depicted in Figure 3 and disclosed in the Specification, one of ordinary skill

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in the art would understand that the fresh air passageway is located between the series of spaced posts and extends around the center of the poppet valve.

Although, we appreciate that the claims might be written differently, we do not agree with the Examiner that the present language would prevent one skilled in the art from understanding what is claimed when claims 1 and 18 are read in light of Appellant's Specification. We do not sustain Rejection I.

*Rejection II; Obviousness*

The Examiner finds that Hirai discloses most of the limitations of claim 1, including a valve in a ventilation duct, but Hirai's valve is not a poppet valve. Final Act. 5–6. The Examiner finds that Ichimaru discloses a poppet valve having sealing faces as claimed. *Id.* at 6. The Examiner concludes that it would have been obvious to substitute Ichimaru's poppet style valve for the valve of Hirai with predictable results for air flow in a HVAC system. *Id.* According to the Examiner, Foster provides a teaching that it is known to use poppet style valves in vehicle ventilation systems. *Id.* at 7. The Examiner then finds that Ichimaru's sealing faces are connected by a single body, but finds that Albrecht discloses a valve with sealing faces connected by a series of posts. *Id.* The Examiner concludes that it would have been obvious to substitute Albrecht's post connection for Ichimaru's single connection to obtain the "predictable results of providing an alternate means of connecting the two opposed sealing faces." *Id.* at 7–8.

Appellant argues, *inter alia*, that the Examiner's reason for combining the prior art teachings lacks a rational underpinning. Appeal Br. 14. According to Appellant, the Examiner's combination "does not yield predictable results." Appeal Br. 15.

The Examiner responds that, because the valves are known alternatives with equivalent structure, the combination is consistent with the “simple substitution” analysis set forth in MPEP 2143.1.B. Ans. 18.

Appellant has the better position. Ichimaru’s poppet style valve is used in a piston section of the vehicle, and “reciprocates between a first valve opening and a second valve opening,” to switch between intake and vent of exhaust gas cylinders. Ichimaru, 1:40–45; 9:29–46. The Examiner recognizes that “Ichimaru does not explicitly teach that the valve disclosed is intended to be used in a vehicle ventilation system.” Final Act. 7. The Examiner’s reliance on Foster does not make the substitution of Ichimaru’s piston valve for Hirai’s valve a simple substitution. The Examiner does not direct us to any disclosure in Foster, to establish that it was known in the HVAC art that Hirai and Ichimaru’s “valves are compatible in their purposes . . . for the adjustment of flow through a three-passage joint.” Ans. 17–18. Thus, the Examiner has not established adequately that a skilled artisan would have understood that Ichimaru’s valve could have been substituted for Hirai’s valve to achieve predictable results. As such, the Examiner has not established sufficiently that the substitution of Ichimaru’s piston valve for Hirai’s valve would have been a simple substitution consistent with MPEP 2143.1.B.

Therefore, the Examiner has not established *prima facie* obviousness. We do not sustain Rejection II.

#### CONCLUSION

The Examiner’s rejections are reversed.

More specifically,

DECISION SUMMARY

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 18	112(b)	indefiniteness		1, 18
1-8, 10-13, 15-20	103	Hirai, Ichimaru, Albrecht, Foster		1-8, 10-13, 15-20
<b>Overall Outcome:</b>				1-8, 10-13, 15-20

REVERSED