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Signify Holding B.V.
465 Columbus Avenue
Suite 330
Valhalla, NY 10595

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jo.cangelosi@signify.com
kim.larocca@signify.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HARALD JOSEF GÜNTHER RADERMACHER, MATTHIAS WENDT, LENNART YSEBOODT, and DAVE WILLEM VAN GOOR

Appeal 2019-006731
Application 15/548,941
Technology Center 2800

Before TERRY J. OWENS, JEFFREY T. SMITH, and JEFFREY R. SNAY, *Administrative Patent Judges.*

OWENS, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's decision to reject claims 1, 2, and 4–15. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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[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 PHILIPS LIGHTING HOLDING B.V. (Appeal Br. 3).

CLAIMED SUBJECT MATTER

The claims are directed to a powered device for receiving power via a communication link; a power sourcing equipment device for supplying power via a communication link to one or more powered devices; a Power-over-Ethernet network system, and methods of operating a powered device comprising a sensor unit for receiving power via a communication link. Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A powered device for receiving power via a communication link, said powered device comprising:
>
> a classification information providing unit that is configured to provide a classification signal to said communication link during a classification phase of said powered device, wherein said classification signal denotes a power consumption level of said powered device during the classification phase and is based on a power consumption of the powered device;
>
> a sensor unit for detecting an ambient condition;
>
> a sensor information providing unit that is configured to provide sensor information indicating the detected ambient condition to said classification information providing unit;
>
> wherein said classification information providing unit is configured to provide said classification signal to said communication link based on said sensor information during a second phase, wherein said classification signal denotes the detected ambient condition during the second phase.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Diab	US 2009/0027033 A1	Jan 29, 2009
Karam	US 2010/0117808 A1	May 13, 2010

REJECTIONS

The claims stand rejected as follows: claims 8–11 under 35 U.S.C. § 102(a)(1) over Karam;[2] and claims 1, 2, 4–7, and 12–15 under 35 U.S.C. § 103 over Diab in view of Karam.[3]

OPINION

Independent claim 1 requires that during a classification phase a classification signal is based on a power consumption of a powered device and denotes a power consumption level of the powered device, and during a second phase the classification signal is based on sensor information and denotes a detected ambient condition. The other independent claims (8, 12, and 13) have similar requirements.

Karam discloses a power-over-Ethernet system comprising power sourcing equipment (PSE) and a powered device (PD) (¶ 20). The PD can supply to the PSE a predetermined milliamp current to indicate that the PD is communications capable, and the PSE "can measure the current the same way as it measures normal detection and classification currents" (¶ 47).[4]

[2] "Anticipation requires that every limitation of the claim in issue be disclosed, either expressly or under principles of inherency, in a single prior art reference." *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1255–56 (Fed. Cir. 1989).

[3] "Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc*., 550 U.S. 398, 406 (2007).

[4] The Examiner relies upon Diab for a disclosure of communicating data from a PD to PSE "via a Layer 1 scheme such as voltage and/or current modulation" (¶ 32) (Final Rej. 7).

The Examiner concludes that the Appellant's "second phase classification signal is dynamic. It is a modified version of the first phase classification signal, which means that it is expected to change during use" (Ans. 8), and "[t]he only same-ness that appears possible is that both classification signals use the same IEEE 802.3 protocol" (Final Rej.18). The Examiner finds that Karam's "PSE uses the same protocol for both receiving classification information and 'for additional detections' (par 47). This makes it the 'same signal'" (Final Rej. 5). The Examiner finds that the Appellant's Specification does not explain "how the classification signals can be at different times, yet be the same" (Ans. 5).

It is proper to use the Specification to interpret what the Appellant means by a word or phrase in a claim. *See In re Morris*, 127 F.3d 1048, 1053–56 (Fed. Cir. 1997). The Appellant's Specification states:

> As explained herein, an aspect of the present invention relates to the transmission of a "modified" classification signature from the PD to the PSE in order to provide an inexpensive communication scheme. To this extent, setting up the entire system may works in the following order: First, a PD is connected to the PSE. Next, a startup of the PD is initiated. Next, the PD presents a classification signature based on the PD's nominal power level. Next, the PD is restarted. Finally, the PD presents a classification signature that is based on the PD's sensor information. That way, the PSE may interpret the very first classification signature in a conventional manner, whereas subsequent classification signatures are interpreted to comprise sensor information from the PD. Put differently, in the above-described embodiment, the PSE is actively asking for the first class code and directly thereafter restarts negotiation to get the status information. [Spec. 11]

Thus, the Appellant's Specification indicates that the classification signal recited in the claims is a classification signal which denotes a power consumption level during a classification phase and denotes sensor

information during a second phase. The Examiner has not established that even if, as found by the Examiner, Karam's PSE uses the same protocol for receiving classification information and for additional detections (Final Rej. 5), Karam discloses a classification signal which denotes a power consumption level during a classification phase and denotes sensor information during a second phase. Nor has the Examiner established that the combined disclosures of Karam and Diab would have suggested such a classification signal to one of ordinary skill in the art. Accordingly, we reverse the Examiner's rejections.

CONCLUSION

The Examiner's rejections are reversed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
8–11	102(a)(1)	Karam		8–11
1, 2, 4–7, 12–15	103	Diab, Karam		1, 2, 4–7, 12–15
Overall Outcome				1, 2, 4–15

REVERSED