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Moradian Law 10586 W Pico. Blvd, #192 Los Angeles, CA 90064			PAYNE, SHARON E	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HAMID RASHIDI DOUST

Appeal 2020-000006
Application 15/179,183
Technology Center 2800

BEFORE CATHERINE Q. TIMM, BEVERLY A. FRANKLIN, and
JANE E. INGLESE, *Administrative Patent Judges*.

FRANKLIN, *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 to reject claims 1 and 3–17. 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 Elite Lighting. Appeal Br. 3.

CLAIMED SUBJECT MATTER

Claim 1 is illustrative of Appellant's subject matter on appeal and is set forth below (with text in bold for emphasis):

1. A light fixture comprising:
 - a) a body fabricated from a single piece of a material, the body having a central portion and two side portions, each of the two side portions situated on one side of the central portion, the two side portions and the central portions running parallel to each other, the central portion recessed in an upward direction in relation to the two side portions, the recess of the central portion forming a ballast room inside of the body;
 - b) two end caps, each end cap attached to an end of the body;
 - c) a plurality of LED (light emitting diode) boards attached to an inside of the side portions of the body;
 - d) one or more ballasts inside of the ballast room;
 - e) **a ballast room cover for covering the ballast room, the ballast cover having a horizontal portion and a leg on each side of the horizontal portion**, the legs extending downward in relation to the horizontal portion; and
 - f) two rectangular-shaped lenses; each lens covering the LED boards attached to the side portion of the body, wherein each lens contacts the body on one of its long sides and contacts the leg of the ballast room cover on the lens' other long side.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Haugaard	US 7,261,436 B2	Aug. 28, 2007
Scribante	US 9,016,892 B1	Apr. 28, 2015
Jin	US 9,039,253 B2	May 26, 2015
Greinke	US 2016/0208998 A1	July 21, 2016

THE REJECTIONS

Claims 1, 3–14, and 16–17 are rejected under 35 U.S.C § 103 as being unpatentable over Haugaard in view of Jin and Scribante.

Claim 15 is rejected under 35 U.S.C § 103 as being unpatentable over Haugaard in view of Jin, Scribante, and Greinke.

OPINION

We review the appealed rejections for error based upon the issues Appellant identifies, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (cited with approval in *In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011) (“[I]t has long been the Board’s practice to require an applicant to identify the alleged error in the examiner’s rejections.”). After considering the argued claims and each of Appellant’s arguments, we are persuaded of reversible error in the appealed rejections, as discussed below.

The dispositive issue in this case is whether Scribante suggests the claimed element of a “ballast room cover for covering the ballast room, the ballast cover having a horizontal portion and a leg on each side of the horizontal portion”. This is depicted in Appellant’s Figure 5 shown on page 10 of the Appeal Brief. Appellant argues that the cover in Scribante has no legs that extend downward in relation to the horizontal portion of the cover. Appeal Br. 13. It is the Examiner’s position that because Scribante’s ballast cover “contacts” vertical portions of other structures in the light fixture, such as lens bars 210 and 220 and vertical portions of light fixture 100, Scribante suggests this claim feature. Final Act. 3–4. Ans. 4.

We agree with Appellant’s position. As shown in Scribante’s Figure 2A, for example, lens bars 210 and 220, and the portions of the light fixture 100 relied on by the Examiner as legs, are not part of the ballast room cover 170.

In the Examiner’s response on pages 3–4 of the Answer, the Examiner also discusses Figure 3D of Scribante, and states that the legs of the ballast room “contact” the upper cover at the top of Scribante’s Figure 3D. This position suffers the same flaws as discussed above.

In view of the above, we reverse each rejection.

CONCLUSION

We reverse the Examiner’s decision.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Reversed	Affirmed
1, 3–14, 16–17			1, 3–14, 16–17	
15			15	
Overall Outcome			1, 3–17	

REVERSED