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EXAMINER	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TAKASHI MATSUMOTO, HIROTOSHI YANO, TOSHIAKI YOSHIKAWA, KOMI MATSUBARA, and MASAMI HAGIWARA

Appeal 2020-000511
Application 14/046,127
Technology Center 3700

Before CHARLES N. GREENHUT, BRETT C. MARTIN, and BRANDON J. WARNER, *Administrative Patent Judges.*

MARTIN, *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 and 4–13. *See* Appeal Br. 4; Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM IN PART.

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[1] 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 MITSUBISHI ELECTRIC CORPORATION, the assignee of record. Appeal Br. 4.

CLAIMED SUBJECT MATTER

The claims are directed "to a technique of adjusting the air temperature in a house." Spec. ¶ 2. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A temperature adjustment system, comprising:
a plurality of first temperature measurers;
a second temperature measurer;
a plurality of suckers;
a discharger;
and a system controller;
wherein the first temperature measurers each measure a first air temperature in a corresponding first room of a plurality of first rooms within a building and transmit a measurement result to the system controller;
the second temperature measurer measures a second air temperature in a second room within the building and transmits a measurement result to the system controller;
the suckers each suck air from a corresponding first room of the first rooms into a duct installed in the building; and
the discharger discharges the air taken from one of the first rooms via the duct into the second room,
wherein the system controller comprises:
a suction controller controlling the operation of the suckers;
a discharge controller controlling the operation of the discharger;
and an adjustment necessity determiner:
selecting, from among the first rooms, a first room as a supply source of air based on a time window,
calculating an air temperature difference between a first air temperature in the selected first room and the second air temperature in the second room, and
determining that adjustment of the air temperature difference between the first air temperature in the selected first room and the

second air temperature in the second room is necessary when the calculated air temperature difference exceeds a given threshold,

wherein if the adjustment necessity determiner determines that the adjustment is necessary, the suction controller orders the sucker corresponding to the selected first room to start operation and the discharge controller orders the discharger to start operation, and

wherein the time window is a specific time period with a set start time and a set end time.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Lim	JP 2010-091237	April 22, 2010
Nochida	JP 2011-069539	April 7, 2011

REJECTION

Claims Rejected	35 U.S.C. §	Reference(s)/Basis
1, 4–13	103	Lim, Nochida

OPINION

Obviousness

We first note that Appellant directs all of its arguments to the language of claim 1. Appellant asserts that additional "[i]ndependent claims 6, 7, and 8 include analogous language to those argued above and thus also are not disclosed by a combination of Lim and Nochida." Appeal Br. 23. We note that claims 6, 7, and 8 do not contain the same or analogous claim language; in particular, they do not detail the argued "time window" in the same way as found in claim 1. Although we agree with Appellant regarding claim 1, because the language of claims 6, 7, and 8, and therefore also the

claims depending therefrom, do not contain the same detailed language, we do not agree that Appellant's arguments apply equally to the other independent claims.

As to claim 1, Appellant points out that the Examiner erred in the assertion "that because Appellant's claims do not specifically include a recitation of 'a particular time of day' that Appellant's interpretation of the terms 'a set start time' and 'a set end time' cannot be found persuasive." Reply Br. 2; *see* Ans. 3–4. As Appellant correctly notes, the time window relied upon by the Examiner in Lim "is a random time, the exact opposite of a set time." Reply Br. 3.

Lim teaches a similar overall system that uses suckers to augment the temperature regulation in a particular room by transferring air from a source room to a target room. Lim, however, does this based upon a triggering event, such as a resident walking into the target room. In this manner, Lim does not teach a "set time" for the time window, but rather teaches that the time window starts at a time that is unknown, and unknowable in advance, and is triggered by the resident entering the room. Also, Lim teaches that air will be pumped from a source room to a target room until the temperature in the target room reaches the desired temperature. As with the start time, the time it takes to reach the target temperature is both unknown and unknowable at the inception of the start time. Even if we were to agree that Lim teaches a set start time via the triggering event, we do not agree that Lim teaches the claimed set end time.

As we understand the time window recited in claim 1, it should be interpreted such that at least at the time when the start time is known, the end time is also known. Lim, however, teaches a system that has an open-ended time window that is only known after the time window has elapsed.

We do not agree that a system that operates based on a specified time window can be one where the time window is not actually known until the time window ends.

As Appellant correctly points out, the Specification describes the selection of the living room "as the supply source from 6:00 to 10:00PM and the bedroom is selected as the supply source form 10:00PM to 6:00AM the following morning." Spec. ¶ 56. The selection of the source is consistently described throughout the Specification as being a window with set start and end times that are known in advance of the operation of the system. In other words, the disclosed system relies on knowing the window in advance in order to know from which room to suck air given a particular time of day. Given that there is no other disclosed time window, we agree that the recited time window having set start and end times must be known in advance in order for the claimed system to operate. Because Lim reacts to a triggering event to start and then ends essentially based on another triggering event, reaching a desired temperature, neither of these times can be considered a set start or end time.

As to claims 6, 7, and 8, as noted above and contrary to Appellant's assertion, these claims recite only a generic "time window" without any of the detail contained in claim 1 regarding specific start and end times. Accordingly, we do not agree that Appellant's arguments apply equally to these claims. Although we disagree with the Examiner regarding the specific start and end times of claim 1, we do agree with the Examiner that Lim teaches at least the generically claimed "time window" found in claims 6, 7, and 8. Accordingly, because Appellant essentially makes no argument that applies to the language of these claims, we are not apprised of error and

thus sustain the Examiner's rejection of claims 6–8 and their respective dependent claims.

CONCLUSION

The Examiner's rejection is AFFIRMED IN PART.

More specifically,

DECISION SUMMARY

Claims Rejected	**35 U.S.C. §**	**Reference(s)/Basis**	**Affirmed**	**Reversed**
1, 4–13	103	Lim, Nochida	6–8, 11–13	1, 4, 5, 9, 10

TIME PERIOD FOR RESPONSE

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

AFFIRMED IN PART