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Athorus, PLLC P.O. Box 579 Mount Vernon, WA 98273			COLLINS, TIMOTHY D	
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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* DOMINIC TIMOTHY SHIOSAKI

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Appeal 2020-000965  
Application 14/966,493  
Technology Center 3600

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Before MICHAEL C. ASTORINO, KENNETH G. SCHOPFER, and  
BRADLEY B. BAYAT, *Administrative Patent Judges*.

SCHOPFER, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1–16 and 21–24. We have jurisdiction under 35 U.S.C. § 6(b). A hearing was held on September 11, 2020.

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 “Amazon Technologies, Inc., which is the assignee of the present Application, and is a subsidiary of Amazon.com, Inc.” Appeal Br. 2.

## BACKGROUND

The Specification “is directed to propeller clutch mechanisms, [and more] specifically, . . . to spring-biased mechanisms that are mounted in association with propeller blades.” Spec. ¶ 11.

## CLAIMS

Claims 1, 6, and 21 are the independent claims on appeal. Claim 6 is illustrative of the appealed claims and recites:

6. A propeller coupled to a shaft, wherein the propeller comprises:

a clutch mechanism mounted to a first surface of the propeller,

wherein the clutch mechanism further comprises:

at least one arm pivotably mounted to the first surface of the propeller, wherein the at least one arm is configured to pivot within a plane perpendicular to an axis of rotation of the shaft between a first position proximate the shaft and a second position remote from the shaft; and

at least one biasing element applying a biasing force urging the at least one arm into the first position,

wherein the at least one arm is configured to contact at least one post extending in parallel with the shaft when the at least one arm is in the first position,

wherein the clutch mechanism inhibits rotation of the propeller about the axis of rotation with the at least one arm in the first position, and

wherein the clutch mechanism does not inhibit rotation of the propeller with the at least one arm in the second position.

Appeal Br. 17.

## REJECTION<sup>2</sup>

The Examiner rejects claims 1–16 and 21–24 under 35 U.S.C. § 112(b) as indefinite.

## DISCUSSION

The Examiner first rejects each of the independent claims as indefinite based on the use of the term “clutch mechanism.” Final Act. 5. Specifically, the Examiner finds that “[t]he clutch mechanism as claimed and in view of the specification, however, does not engage and disengage a driving part . . . from a driven part” and rather, “the mechanism places the propeller in a desired orientation after the motor is turned off or fails and the propellers slow down.” *Id.* The Examiner explains that the term “clutch mechanism” has an accepted meaning that is different than how it is used in the claims, and thus, the Examiner determines that “[t]he term is indefinite because the specification does not clearly redefine the term.” *Id.*; *see also id.* at 14.

Appellant notes that the term clutch is not used in the Specification as a noun and is only found in the written disclosure as an adjective that modifies the noun “mechanism.” Appeal Br. 6. Appellant argues that “[t]hose of ordinary skill would readily comprehend the meaning of ‘clutch mechanism’ in view of the nearly one hundred references in the Specification, without confusion and without resort to” extrinsic evidence. *Id.* at 7. We agree. The written disclosure does not appear to use the word clutch outside of the phrase “clutch mechanism.” Further, the term is used

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<sup>2</sup> The Examiner has withdrawn certain specific rejections of claims 6–16 and 21–24 under 35 U.S.C. § 112(b). *See* Ans. 3–4.

throughout the written disclosure only to describe the structure of a device with the purpose of causing “a propeller to be aligned in a predefined orientation . . . when a motor to which the propeller is joined is not operating, without the use of any further electrical or mechanical devices or components.” *See* Spec. ¶¶ 13–18.

Given the clear description in the Specification of what a “clutch mechanism” is, we agree with Appellant that the Examiner erred in determining that the claims are indefinite based on the use of the word “clutch.” Accordingly, we do not sustain the rejection of the claims here.

The Examiner also appears to reject claim 1 as follows:

Claim 1 recites “a first biasing force urging the first feathering arm to at least a first portion of the first feather arm” and similarly for the second biasing force. It is unclear what is meant by these limitations. The claim, as amended, clearly recites the first biasing force urges the first feathering arm into the first position, and similarly for the second biasing force. If the first (second) biasing forces are applied to a portion of the first (second) feathering arm - e.g., the weighted end of the feathering arm as disclosed in the specification and figures –then Examiner suggests the claim be re-written as such and in view of dependent claims 4 and 5 which recite weighted ends and that the biasing elements are mounted to the weight ends.

Final Act. 5–6.

We agree with Appellant that it is not clear exactly what the rejection is from the Examiner’s statement. *See* Appeal Br. 8. In response, the Examiner states that “[n]either the specification nor the figures disclose that the feathering arm is bent or folded by a force provided by a biasing element, and hence neither disclose the feathering arm is urged ‘to’ a portion of itself.” Ans. 13. The Examiner concludes that “the meaning of these limitations are unclear, thereby rendering the meets and bounds of claim

unclear and indefinite.” *Id.* We agree with Appellant that it is not clear what the relevance of the Examiner’s statements are to an indefiniteness rejection. *See* Reply Br. 7. Accordingly, to the extent the Examiner presents a separate reason to rejection claim 1, we do not sustain the rejection.

### CONCLUSION

We REVERSE the rejection of claims 1–16 and 21–24.

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1–16, 21–24	112(b)	Indefiniteness		1–16, 21–24

REVERSED