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14/320,905	07/01/2014	Michael Poindexter	0000MRM/0607603	2885
26874	7590	10/01/2020	EXAMINER	
FROST BROWN TODD LLC 3300 Great American Tower 301 East Fourth Street Cincinnati, OH 45202			HICKS, ANGELISA	
			ART UNIT	PAPER NUMBER
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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* MICHAEL POINDEXTER, DAVE COOLEY, and  
RAYMOND AUBREY

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Appeal 2020-001552  
Application 14/320,905  
Technology Center 3700

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Before BRETT C. MARTIN, BRANDON J. WARNER, and  
NATHAN A. ENGELS, *Administrative Patent Judges*.

MARTIN, *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 1–20. 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 American Commercial Barge Line LLC (f/k/a American Commercial Lines LLC). Appeal Br. 4.

### CLAIMED SUBJECT MATTER

The claims are directed to a crude oil cargo recirculation system.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A recirculation system for a crude oil cargo tank barge having at least one tank, wherein the recirculation system comprises:

a pump in fluid communication with the at least one tank;

and

recirculation piping in fluid communication with the pump and the at least one tank, wherein the recirculation piping extends through the at least one tank such that an exit of the recirculation piping is positioned adjacent and towards a bottom surface of the at least one tank;

wherein the pump is actuatable to pump fluid from the at least one tank to the recirculation piping, wherein the recirculation piping is operable to return the pumped fluid to the at least one tank without further processing the fluid, wherein the pumped fluid returned to the at least one tank from the exit of the recirculation piping is operable to remove deposits built-up on the bottom surface of the at least one tank by diffusing the fluid in the at least one tank adjacent and towards the bottom surface of the at least one tank, wherein the pumped fluid is crude oil.

### REFERENCES

The prior art relied upon by the Examiner is:

<b>Name</b>	<b>Reference</b>	<b>Date</b>
Rodriguez	US 3,631,832	Jan. 4, 1972
Hoad	US 6,712,895 B1	Mar. 30, 2004
Oldham	US 2013/0150268 A1	June 13, 2013

### REJECTIONS

Claims 1–10 and 13–20 are rejected under 35 U.S.C. § 103 as being unpatentable over Oldham in view of Rodriguez. Final Act. 2.

Claims 11 and 12 are rejected under 35 U.S.C. § 103 as being unpatentable over Oldham in view of Rodriguez, in further view of Hoad. Final Act. 10.

## OPINION

### *Obviousness*

Although Appellant argues that Oldham is nonanalogous art, we disagree. The thrust of Appellant's invention is directed toward an oil cargo tank, and Oldham is reasonably pertinent to such a device. We do, however, agree with Appellant that Oldham fails to teach certain aspects of the claim.

Independent claim 1 requires, among other things, recirculation piping extending through a tank with an exit of the piping positioned "adjacent and towards a bottom surface" of the tank. Independent claims 16 and 20 include similar recitations. As Appellant argues, "Oldham . . . fails to disclose that the additional jet outlet is positioned adjacent and towards a bottom surface of a tank." Reply Br. 4. As is clearly shown in Oldham's Figure 5, return pipe 564 is situated between the end of three of the four jet pipes and the bottom of the tank. The fourth jet pipe is positioned at the same level as the other three and so is spaced away from the bottom of the tank. It is notable that, in the Examiner's response, the Examiner does not address that the claims require that the ends of the pipes be adjacent the bottom of the tank. Even if the Examiner were correct that Oldham directs the fluid downward with sufficient force to break up deposits at the bottom of the tank, this structural configuration is clearly absent from Oldham.

Further, Oldham is concerned with directing the pumped fluid outward to mix fluid within the tank rather than directing it toward the bottom of the tank. Oldham ¶ 55. Even if Oldham included a jet at the

bottom of the jet pipes directed toward the bottom of the tank, the majority of the fluid force would be directed outward, and with the pipes spaced away from the bottom of the tank rather than adjacent as claimed, Oldham would not be capable of removing deposit build-up as claimed. Accordingly, we do not sustain the Examiner's rejections.

### 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>
1-10, 13-20	103	Oldham, Rodriguez		1-10, 13-20
11, 12	103	Oldham, Rodriguez, Hoad		11, 12
<b>Overall Outcome</b>				1-20

REVERSED