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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JAE DOO SIM

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Appeal 2020-001562  
Application 14/876,895  
Technology Center 3600

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Before JENNIFER D. BAHR, EDWARD A. BROWN, and  
ERIC C. JESCHKE, *Administrative Patent Judges*.

BROWN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant<sup>1</sup> seeks review under 35 U.S.C. § 134(a) of the Examiner's  
decision rejecting claims 1–8. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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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 Doosan  
Machine Tool Co., LTD. Appeal Br. 2.

### CLAIMED SUBJECT MATTER

Claim 1, reproduced below, is representative of the claimed subject matter.

1. A pallet transfer system, comprising:
  - a pallet storage arranged along a path for transferring a pallet and having a plurality of pallets loaded therein;
  - a loading device arranged along the path and configured to load a material onto the pallet among the plurality of pallets and withdraw the loaded material out from the pallet;
  - a material processing device arranged along the path and configured to process the material loaded on the pallet;
  - a pallet transfer device installed on the path and configured to mount the pallet thereon and move along the path so as to transfer the mounted pallet to the loading device, the pallet storage, or the material processing device;
  - a detector installed on the pallet transfer device and configured to detect information on a load applied to the pallet transfer device;
  - a controller connected with the pallet transfer device and the detector, and configured to control a transfer speed of the pallet transfer device according to load information detected by the detector; and
  - an input device connected with the controller and configured to input predetermined load information to be applied to the pallet transfer device,wherein, when the load information is not detected by the detector, the controller controls the transfer speed of the pallet transfer device based on the predetermined load information input by the input device.

Appeal Br. 11 (Claims App.).

### REJECTION ON APPEAL

Claims 1–8 are rejected under 35 U.S.C. § 112(b) as being indefinite.

## ANALYSIS

Claim 1 recites, *inter alia*, “a loading device arranged along the path and configured to load a material onto the pallet among the plurality of pallets and withdraw the loaded material out from the pallet.” Appeal Br. 11 (Claims App.) (“loading device limitation”). The Examiner construes the loading device limitation as a means-plus-function element in accordance with 35 U.S.C. § 112(f), “because [the element] is described solely in terms of function.” Final Act. 3. The Examiner states, “[t]he term ‘device’ is a verbal construct which operates much like the more commonly used term ‘means’ which courts have found to be a generic placeholder and void of any structural limitation.” Ans. 5. Accordingly, the Examiner construes the element to cover the corresponding structure described in the Specification for performing the function of loading and unloading material to and from a pallet. Final Act. 3. The Examiner determines, however, that the Specification fails to disclose “a material loading device or any structure for loading and withdrawing material from a pallet.” *Id.* The Examiner notes that the Specification describes “a setup unit for inserting a material onto and withdrawing the material out from a pallet,” but finds there is no description of the corresponding structure of the setup unit. *Id.* at 3–4; *see* Spec. ¶¶ 35, 39–40.<sup>2</sup> Therefore, the Examiner determines that the loading device limitation is indefinite. *Id.* at 4.

In determining whether a claim element is a means-plus-function element, when the claim element does not include the word “means,” there is a rebuttable presumption that pre-AIA § 112, sixth paragraph, or § 112(f),

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<sup>2</sup> All references herein to the specification (“Spec.” or “Specification”) refer to the substitute Specification filed on January 26, 2017.

does *not* apply. *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1348 (Fed. Cir. 2015) (en banc). This presumption can be overcome by demonstrating that the claim element recites “function without reciting sufficient structure for performing [the] function.” *Id.* at 1349 (quotation marks and citation omitted). “The standard is whether the words of the claim are understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure.” *Id.* “Generic terms such as . . . ‘device,’ and other nonce words that reflect nothing more than verbal constructs may be used in a claim in a manner that is tantamount to using the word ‘means’ because they typically do not connote sufficiently definite structure and therefore may invoke § 112, para. 6.” *Id.* at 1350 (citation omitted, emphasis added). If the presumption is overcome, then it must be “determine[d] what structure, if any, disclosed in the specification corresponds to the claimed function.” *Id.* at 1351. If adequate corresponding structure is not disclosed, then the claim is indefinite. *Id.* at 1352.

Appellant contends that the Examiner’s interpretation of the loading device limitation is erroneous. Appeal Br. 6. Appellant indicates that set-up unit 300 corresponds to the recited loading device. *Id.* at 4. As for set-up unit 300, Appellant asserts,

the set-up unit 300 may enable a user to mount the material 10 on the pallet 110 or enable a user to withdraw out a completely processed workpiece loaded on the pallet 110. Particularly, a separate automation process for inserting the material 10 onto and withdrawing the material 10 out from the pallet 110 by the set-up unit 300 may be further provided. That is, the set-up unit 300 may withdraw out the completely processed workpiece or insert the material 10 for processing onto the pallet 110.

*Id.* at 8 (citing Spec. ¶¶ 39, 40, Fig. 1).

This contention fails to identify any structure of set-up unit 300 that corresponds to the recited function of the loading device, that is, “to load a material onto the pallet among the plurality of pallets and withdraw the loaded material out from the pallet.” Appeal Br. 11 (Claims App.). In fact, the Examiner points out that Appellant’s Specification provides no description of the corresponding structure of the set-up unit. Ans. 6.

Appellant also contends that the term “loading device,” “so-called as a loading station or set-up unit,” is well known in the machining industry. Appeal Br. 8. Appellant contends that Nakamura<sup>3</sup> discloses a “loading station” for loading material onto pallets. *Id.* at 8–9 (quoting Nakamura col. 2, ll. 52–64, Fig. 1). Nakamura describes,

[r]eferring to FIG. 1, the loading station 201 has underneath it, a lifter 203 for supporting a carrier pallet 206 carrying workpieces 207 thereon with a skid 205 interposed therebetween.

The lifter 203 is provided with a support mechanism (not shown) such as a hydraulic cylinder and designed to support from under the carrier pallet 206 that carries workpieces 207, slightly and correspondingly moving downward as a function of the total weight of the workpieces 207 loaded on the carrier pallet 206.

Nakamura col. 2, ll. 55–64 (boldface omitted).

Appellant’s contentions regarding the meaning of the term loading device are unpersuasive for several reasons. First, this term is not described in Appellant’s Specification. Second, the term “device” is considered a generic term or “nonce word.” *Williamson*, 792 F.3d at 1350. Additionally, the adjective “loading” does not connote a particular structure of the loading

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<sup>3</sup> US 5,920,480, issued July 6, 1999, which Appellant states “is previously cited by the Examiner.” Appeal Br. 8–9.

device. Third, Nakamura describes a “loading station,” not a “loading device,” and thus, does not show that the recited term is well known in the machining industry. Moreover, Appellant does not show with evidence that Nakamura’s loading station, or some element(s) thereof, necessarily correspond(s) to the claimed loading device or the disclosed set-up unit. Accordingly, to the extent Appellant’s position is that the structure of the claimed loading device or the disclosed set-up unit, for performing the claimed function, is well known in the art, as purportedly evidenced by Nakamura, we are not persuaded.

For the above reasons, Appellant does not apprise us of error in the Examiner’s rejection. Thus, we sustain the rejection of claim 1 and dependent claims 2–8, which incorporate the loading device limitation of claim 1, under 35 U.S.C. § 112(b) as being indefinite.

### CONCLUSION

In summary:

<b>Claim(s) Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1–8	112(f)/112(b)	112(f) Indefiniteness	1–8	

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

AFFIRMED