



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/465,498	08/18/2006	Jon Nichols	81143194	1364
91663	7590	01/11/2013	EXAMINER	
Jerome R. Drouillard 10213 Tims Lake Blvd. Grass Lake, MI 49240			MORGAN, EMILY M	
			ART UNIT	PAPER NUMBER
			3677	
			NOTIFICATION DATE	DELIVERY MODE
			01/11/2013	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jdrouillard@fordsonlaw.com
lisa@i3law.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PATRICE DENEFLÉ,
MARIE-FRANCOISE ROSIER-MONTUS,
ISABELLE ARNOULD-REGUIGNE, CATHERINE PRADES,
LAURENT NAUDIN, CENDRINE LEMOINE, NICOLAS DUVERGER,
STEPHAN RUST, GERD ASSMANN, HARALD FUNKE,
and H. BRYAN BREWER

Appeal 2010-010682
Application 11/465,498
Technology Center 3600

Before: STEVEN D.A. McCARTHY, CHARLES N. GREENHUT, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

GROSSMAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from the Final Rejection mailed October 15, 2009 rejecting claims 1-3 and 5-10. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

The Claimed Subject Matter

The claimed subject matter relates to a hinge system particularly suited for mounting exterior doors to the passenger cabin of an automotive vehicle. Spec. [0001]. Claims 1, 7, and 8 are independent claims. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A door hinge system for an automotive vehicle, comprising:
 - a hinge body having a first portion pivotably attached to a door, and a second portion pivotably attached to a vehicle body;
 - a central control link having a first link end and a second link end, with said central control link being pivotably attached to said hinge body at a location offset laterally from a line connecting the pivot points at which said hinge body is attached to said door and said vehicle body, with said control link being attached at a position mediate said first and second link ends;
 - a body link having a first end pivotably attached to said vehicle body, and a second end pivotably attached to the first link end of said central control link; and
 - a door link having a first end pivotably attached to said door, and a second end pivotably attached to the second link end of said central control link.

References

The Examiner relied upon the following prior art references:

Gross	US 758,530	April 26, 1904
Siladke	US 5,491,875	Feb. 20, 1996

Rejection

Appellants seek review of the rejection of Claims 1-3 and 5-10 under 35 U.S.C. §103(a) as being unpatentable over Gross and Siladke. (App. Br. 6)¹.

ANALYSIS

Appellants correctly argue that the Examiner has failed to provide a sufficient reason, with a rational underpinning, to explain why one having ordinary skill in the art would have modified the shape of Gross's bar 12, for example to include the shape of Siladke's middle link 52², so as to result in the offset as required by each of the independent claims involved in this appeal. App. Br 8.

The Examiner relied on Gross for disclosing the basic structure of the claimed hinge system. Ans. 3. The Examiner acknowledged that Gross does not disclose a vehicle or the location of the attachment between the control link and the hinge body at an offset location, as called for in the claims. *Id.*

¹ Citations to "App. Br. ____" are to the Amended Appeal Brief filed March 17, 2010.

² To the extent the Examiner takes this position. *See* Ans. 4.

The Examiner found that Siladke discloses a vehicle having two hinge bodies attaching the door to the body on the C pillar with the hinge axes in a vertical orientation. Ans. 3.

The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time of the invention to use a hinge configured “similar to that of Gross” in the automotive application of Siladke. Ans. 3. The rationale provided by the Examiner for the proposed combination of the applied references was that both references are hinges and the application of the Gross hinge to the purpose of Siladke would not require “undue changes” and would avoid the cost of designing a new hinge. *Id.* 3-4.

While arguably not requiring “undue changes,” the Examiner acknowledged that some changes would be required in the proposed combination of Gross and Siladke, but concluded that these required changes would have been obvious to one of ordinary skill in the relevant technology. Ans. 4. The Examiner found that it would be necessary to modify the shape of the main body of the Gross hinge. *Id.* The Examiner also found that in “changing the shape of the link” the connection between the main body and the central link “has to be along the main body, *which would be at an offset between the ends of the main body.*” Ans. 4 (emphasis added).

The Examiner has not pointed to anything in the applied references, or articulated any reasoning with rational underpinnings, to support the conclusion that “changing the shape of the link,” to the shape of Siladke’s link 52, or otherwise, would have been obvious to one having ordinary skill in the art. Moreover, the “offset” proposed by the Examiner, “an offset between the ends of the main body” (Ans. 4), does not meet the “offset” limitation called for in all the claims. The claims call for the central control

link to be pivotably attached to the hinge body at a location offset laterally from a line connecting the pivot points at which the hinge body is attached to the door and the vehicle body. An exemplary structure satisfying this claim limitation is illustrated in Figure 4 of the application. Figure 4 shows central control link 40 pivotably attached at pivot 44 to hinge body 36, with pivot 44 offset laterally from imaginary line A, which connects the pivot points 38, 42 at which hinge body 36 is connected with door 22 and C-pillar 28. The Examiner's statement about an offset "between the ends" of the main body does not meet or address the "offset" called for in the claims. The Examiner's annotated illustration of Gross on page 11 of the Answer does not show or suggest the offset claimed. It shows the pivot between the control link and the main body to be on the "hinge body line" (as labeled by the Examiner), not offset from it as called for in the claims.

Thus, the Examiner has failed to establish that the claimed subject matter, including the offset relationship, would have been obvious based on the applied references.

The Examiner further explained his position on combining the references on the basis that "both hinges provide a method to pivot one body against another," and "that the hinges of Siladke and Gross serve the same purpose in hinging articles." Ans. 10. This general rationale, however, does not support the conclusion that the specific modification proposed by the Examiner, resulting in the central control link pivotably attached to the hinge body at a location offset laterally from a line connecting the pivot points at which the hinge body is attached to the door and the vehicle body, would have been obvious.

Appeal 2010-010682
Application 11/465,498

DECISION

We REVERSE the decision of the Examiner to reject claims 1-3 and
5-10.

REVERSED

Klh