

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KOUICHI HARADA

Appeal No. 1997-1337
Application 08/467,000¹

HEARD: November 18, 1999

Before THOMAS, KRASS, and DIXON, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant appeals to the Board from the examiner's final
rejection of claims 2, 4 through 7, 10 and 16 through 22.

¹ Application for patent filed June 6, 1995. According to applicant,
this application is a continuation of Application 08/274,698, filed July 14,
1994.

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Representative claim 16 is reproduced below:

16. A method of controlling an on-vehicle electric opening/closing body driven by a motor comprising the steps of:

detecting a variation in a load current of said motor over a predetermined period of time;

establishing at least one threshold value based on an actual voltage being applied to said motor; and

determining an overload state of said motor based on a comparison of said variation in said load current and said threshold.

The following reference is relied on by the examiner:

Washeleski et al. (Washeleski) 5,334,876 Aug. 2,
1994
(filed April 22, 1992)

Claims 2, 4 through 7, 10 and 16 through 22 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Washeleski alone.

Rather than repeat the positions of the appellant and the examiner, reference is made to the briefs and the answer for the respective details thereof.

OPINION

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We reverse.

Independent claims 16 and 19 on appeal both recite in some manner the establishment of a threshold value of load current based on an actual voltage being applied to the motor, with the further general recitation that an overload state of the motor recited is determined on the basis of the comparison of a variation in the load current and this established threshold value. We agree with appellant's assertions that Washeleski fails to teach the establishment of the threshold value of load current based on the actual voltage being applied to the motor and consequently the determination of the comparison feature of both independent claims 16 and 19.

It is clear that Washeleski detects a variation of load current of a motor over a predetermined period of time. Although there is a determination of the threshold value according to the obstruction detection teachings at column 6 in the calibration and operation modes in the form of data collected over time of a normal motor's operation being placed into a table as a template, there is no teaching or suggestion in accordance with the soft and hard obstruction detection

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determinations at columns 6 and 7 of Washeleski that any variations in actual load current placed into the table or template are or would be based upon an actual

sensed voltage being applied to the motor as required by independent claims 16 and 19 on appeal. The reference simply stops short of that teaching or suggesting to the artisan this feature of both claims on appeal.

On the other hand, the examiner's reliance upon the battery voltage determinations at the top of column 7 and at column 6, lines 12-14 of Washeleski is misplaced. We understand the teachings of this reference the same as argued by appellant that battery voltage sensing occurs as an element of determining or controlling speed variations of the motor rather than as a basis of controlling or changing the template or tabled value of threshold determinations of load current.

Finally, we are unpersuaded by the examiner's reasoning that it would have been obvious for the artisan to have improved upon Washeleski's teachings to make the load current thresholds variable "based on an actual voltage being applied

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to said motor" as claimed. Notwithstanding general relationships of voltage and current in the motor control arts, there is no additional applied prior art to have enhanced Washeleski's teachings to include an additional factor of determining motor load current overload state thresholds based additionally upon the actual voltage being applied to the motor.

In view of the foregoing, the decision of the examiner rejecting the claims on appeal under 35 U.S.C. § 103 is reversed.

REVERSED

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	JAMES D. THOMAS)	
	Administrative Patent Judge)	
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	ERROL A. KRASS)	BOARD OF
PATENT	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
	JOSEPH L. DIXON)	
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