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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/269,234	10/07/2011	André Sloth ERIKSEN	10494.0003-01000	1954
22852	7590	03/13/2012	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			DUKE, EMMANUEL E	
			ART UNIT	PAPER NUMBER
			3784	
			MAIL DATE	DELIVERY MODE
			03/13/2012	PAPER

**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.

<b>Office Action Summary</b>	<b>Application No.</b> 13/269,234	<b>Applicant(s)</b> ERIKSEN, ANDR LOTH FINNEGAN, HENDERSON,	
	<b>Examiner</b> EMMANUEL DUKE	<b>Art Unit</b> 3784	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 01/30/2012.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5)  Claim(s) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6)  Claim(s) \_\_\_\_\_ is/are allowed.
- 7)  Claim(s) 1-20 is/are rejected.
- 8)  Claim(s) \_\_\_\_\_ is/are objected to.
- 9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10)  The specification is objected to by the Examiner.
- 11)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application

## DETAILED ACTION

### *Examiner's Comments*

1. For applicant's information, a personal interview under 37 C.F.R. § 1.138(b) was never requested nor such granted. As stated on page 2 of the remarks sheet; on Wednesday, January 25, 2012, the Examiner received a phone call from a representative of Applicant, Mr. Biju Chandran, pointing out that cited Eriksen '310 cited reference does not qualified as a prior art, and in response the Examiner requested that these argument be presented in a written response to Office Action. Therefore, the Applicant's argument that a personal interview under 37 C.F.R. § 1.138(b) was conducted is not correct.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1- 4, 6-9 and 11-16** are rejected under 35 U.S.C. 102(b) as being anticipated by Tomioka (U.S. PG Pub No.: 2005/0069432 A1), hereinafter referred to as Tomioka '432.

Art Unit: 3784

Regarding claim 1, Tomioka '432 discloses a cooling system (Fig. 6: [0006-0007]) for a heat-generating component **33** [0031], comprising: a double-sided chassis **111** [0053 - 0054] adapted to mount a pump **60** configured to circulate a cooling liquid **[0036]**, the pump comprising a stator **120** [0039] and an impeller **101a**, the impeller being positioned in a recess **76 (as shown in Fig. 7: [0043])** on the underside of the chassis and the stator being positioned on the upper side of the chassis and isolated from the cooling liquid; a reservoir **90** [0044] adapted to pass the cooling liquid therethrough, the reservoir including: a pump chamber **77** [0043] formed by the recess and at least an impeller cover **70** having one or more passages **82, 83** [0043] for the cooling liquid to pass through; (Fig. 5: [0040-0041], wherein a housing recess portion **71** constitutes a thermal exchange chamber), the pump chamber and the thermal exchange chamber being separate chambers that are fluidly coupled together by the one or more passages (as shown in Fig. 6-7); and a heat-exchanging interface **72** ([0040-0041], wherein a bottom wall constitutes a heat-exchanger interface), the heat-exchanging interface forming a boundary wall [0040] of the thermal exchange chamber (as shown in Fig. 5), and configured to be placed in thermal contact with a surface 35 of the heat-generating component [0041]; and a heat radiator **40** [0065] and fluidly coupled to the reservoir and configured to dissipate heat from the cooling liquid (Fig. 2-3: [0067-0068]).

Regarding claim 2, Tomioka '432 discloses the cooling system of claim 1, wherein the chassis shields the stator from the cooling liquid in the reservoir (as shown in Fig. 6: [0054-0055], wherein the stator 120 is shielded from the cooling liquid within the 72 by first cover 111).

Regarding claim 3, Tomioka '432 discloses the cooling system of claim 1, wherein the heat-exchanging interface includes a first side ([0040], wherein an inner surface of the bottom wall 72 constitutes a first side) and a second side **72a** [0041] opposite the first side, and wherein the heat-exchanging interface contacts the cooling liquid in the thermal exchange chamber on the first side and the heat-exchanging

Art Unit: 3784

interface is configured to be in thermal contact with the surface of the heat-generating component on the second side (as shown in Fig. 5).

Regarding claim 4, Tomioka '432 discloses the cooling system of claim 3, wherein the first side of the heat-exchanging interface includes features that are adapted to increase heat transfer from the heat-exchanging interface to the cooling liquid in the thermal exchange chamber. Applicant should note it has been held that the recitation that an element is "adapted to" performing a function is not positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

Regarding claim 6, Tomioka '432 discloses the cooling system of claim 1, wherein the impeller is positioned in the pump chamber (as shown in Fig. 7).

Regarding claim 7, Tomioka '432 discloses the cooling system of claim 1, wherein a passage of the one or more passages that fluidly couple the pump chamber and the thermal exchange chamber is offset from a center (as shown in Fig. 7 [0051]) of the impeller.

Regarding claim 8, Tomioka '432 discloses the cooling system of claim 1, wherein the impeller includes a plurality of curved blades **101b** [0052].

Regarding claim 9, Tomioka '432 discloses the cooling system of claim 1, wherein the pump chamber and the thermal exchange chamber are spaced apart in a vertical direction (as shown in Fig. 6 and 7)

Regarding claim 11, Tomioka '432 discloses the cooling system of claim 1, wherein the heat radiator is fluidly coupled to the reservoir using flexible conduits **51, 52** [0036-0037], and the heat radiator is configured to be positioned remote from the reservoir (as shown in Fig. 2).

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