

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* STEPHEN RAISER

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Appeal 2008-0499  
Application 11/009,404  
Technology Center 1700

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Decided: May 14, 2008

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Before WILLIAM F. PATE, III, TERRY J. OWENS, and MURRIEL E.  
CRAWFORD, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellant appeals from a rejection of claims 1-23, which are all of the pending claims.

THE INVENTION

The Appellant claims a fuel cell system. Claim 1 is illustrative:

1. A fuel cell system comprising:  
  
an electrical power bus line;

a fuel cell stack electrically coupled to the power bus line;

a battery electrically coupled to the power bus line; and

a capacitor electrically coupled to the power bus line in series with the battery, said capacitor providing voltage matching for voltage swings on the power bus line.

#### THE REFERENCES

Stancu	US 6,262,896 B1	Jul. 17, 2001
Pearson	US 2004/0126635 A1	Jul. 1, 2004

#### THE REJECTIONS

The claims stand rejected as follows: claims 1-8, 10-14 and 16 under 35 U.S.C. § 102(e) over Pearson, and claims 9, 15 and 17-23 under 35 U.S.C. § 103 over Pearson in view of Stancu.<sup>1</sup>

#### OPINION

We reverse the Examiner's rejections.

We need to address only the independent claims, i.e., claims 1, 11 and 17. Claim 1 requires a "capacitor providing voltage matching for voltage swings on the power bus line." Claim 11 requires a "capacitor having a state of charge swing of about 85% so as to provide voltage matching to the power bus line". Claim 17 requires a "super capacitor providing voltage matching for voltage swings on the power bus line".

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<sup>1</sup> A rejection of claims 1, 2 and 8 under 35 U.S.C. § 102(b) over US 2003/0072977 to Speranza et al. is withdrawn in the Examiner's Answer (Ans. 2).

The Examiner does not mention those claim requirements in the Examiner's Answer when setting forth the rejections (Ans. 3-4, 7-8). In the Examiner's Answers' Response to Arguments section the Examiner argues that claim 1 does not recite "the voltage swing of a battery in a fuel cell system" which, the Examiner asserts, the Appellant has argued is not discussed by Pearson (Ans. 12-13). Claim 1 requires a "capacitor providing voltage matching for voltage swings on the power bus line", and as pointed out above, claims 11 and 17 have similar requirements. The Examiner has the initial burden of establishing a prima facie case of anticipation and obviousness. *See In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990); *In re Piasecki*, 745 F.2d 1468 (Fed. Cir. 1984). Because the Examiner has not established that Pearson discloses, or would have rendered prima facie obvious to one of ordinary skill in the art, the requirements of claims 1, 11 and 17 set forth above, the Examiner has not carried that burden.<sup>2</sup>

Accordingly, we reverse the Examiner's rejections.

#### DECISION

The rejections of claims 1-8, 10-14 and 16 under 35 U.S.C. § 102(e) over Pearson, and claims 9, 15 and 17-23 under 35 U.S.C. § 103 over Pearson in view of Stancu are reversed.

#### REVERSED

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<sup>2</sup> The Examiner relies upon Stancu only for a disclosure of a traction motor system (Ans. 9), not for any disclosure that remedies the above-discussed deficiency in Pearson.

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