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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/465,498	08/18/2006	Jon Nichols	81143194 (36190-341)	1364
28549	7590	10/15/2009	EXAMINER	
Dickinson Wright PLLC 38525 Woodward Avenue Suite 2000 Bloomfield Hills, MI 48304			MORGAN, EMILY M	
			ART UNIT	PAPER NUMBER
			3677	
			MAIL DATE	DELIVERY MODE
			10/15/2009	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.

**Office Action Summary**

<b>Application No.</b> 11/465,498	<b>Applicant(s)</b> NICHOLS ET AL.	
<b>Examiner</b> EMILY M. MORGAN	<b>Art Unit</b> 3677	

-- 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 13 July 2009.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  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**

- 4)  Claim(s) 1-3 and 5-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-3,5-10 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 18 August 2006 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).
- 11)  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**

- 12)  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)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over patent 758530 to Gross, in view of patent 5491875 to Siladke.

Regarding claim 1, Gross discloses a hinge, comprising: a hinge body 12 having a first portion pivotably attached to a door 2, and a second portion pivotably attached to a body 1; a central control link 15 having a first link end and a second link end, with said central control link being pivotably attached to said hinge body 12 at a position mediate said first and second link ends (figure 2); a body link 19 having a first end pivotably attached to said body 1, and a second end pivotably attached to the first link end of said central control link 15; and a door link 17 having a first end pivotably attached to said door 2, and a second end pivotably attached to the second link end of said central control link 15. Gross does not disclose a vehicle or the location of the attachment between the control link and the hinge body at an offset location.

Siladke discloses a vehicle having a body 4 having a passenger compartment (figure 1) with a door opening 18; a door 14 sized to fit said opening 18, and a two hinge

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bodies attaching the door to the body on the C pillar with the hinge axes in a vertical orientation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply a hinge configured similar to that of Gross in the application of Siladke. Both deal in the art of hinges and the application of the Gross hinge to the purpose of Siladke would not require undue changes to a hinge configured similarly to that of the Gross hinge. This would have been motivated by the desire to reduce cost in design by using a known hinge in a known place to apply a hinge. Applying a hinge configured similar to the hinge of Gross in the environment of Sildake, would result in an upper and lower hinge with all of the included pieces having an upper and lower orientation.

In applying a hinge configured similar to that of Gross for the purpose of Sildake, it would have been obvious to one of ordinary skill in the art to modify the shape of the main body of the hinge (12 of Gross, 52 of Siladke), due to the shapes of the hinging articles (see door at point 86 of figure 4 of Siladke, which curves into the hinge's space). In changing the shape of the link in such a manner, whether it is a C-shaped piece or a L shaped piece, 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. Examiner notes that the body of a hinge similar to Gross would have a straight bar shape, and therefore the connection between the body and central link would have to be along a line connecting the pivot points of the body. On the shape modified body, which would be required by the hinged article similar to the environment of Siladke, the

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connecting point between the body and central link could not be on a line connecting the pivot points of the hinge body. It would have been obvious to one having ordinary skill in the art at the time the invention as made to alter the shape of the main body of Gross to accommodate use in the alternative use as taught by Siladke, as a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Regarding claim 2, Gross as modified a door hinge system according to Claim 1, wherein said hinge body comprises a rigid, C-shaped member having a first end pivotably attached to said door and a second end pivotably attached to said vehicle body. Gross as modified discloses the claimed invention except for a C-shaped hinge body member. It would have been obvious to one having ordinary skill in the art at the time the invention as made to slightly alter the shape of the body member, a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Regarding claim 3, Gross as modified discloses a door hinge system according to Claim 1, wherein said second portion of said hinge body 12 is pivotably attached to a C pillar portion of a vehicle body (figure 1 of Sildake).

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Regarding claim 5, Gross as modified discloses a door hinge system according to Claim 1, wherein said hinge body 12 is attached to said door 2 and to said vehicle body 1 for rotation about generally vertical axes, when applied in the manner of Sidalke.

Regarding claim 6, Gross as modified discloses a door hinge system according to Claim 1, wherein said central control link 15 is attached to said hinge body 12 at a location offset longitudinally from the center of a line which is parallel to a line connecting the pivot points at which said hinge body is attached to said door and said vehicle body (please see figure 1 of Gross).

Regarding claim 7, Examiner notes that applicant is claiming the structure of the single hinge twice, since applicant discloses two hinges above each other in figure 3.

Gross discloses a hinge, comprising: a body 1 having an opening; a door 2 sized to fit said opening; a hinge body 12 having a first end pivotably attached to said door 2, and a second end pivotably attached to said body 1, such that said door 2 may be rotated about a plurality of axes; a central control link 15 having a first link end and a second link end, with said central control link 15 being pivotably attached to said hinge body 12 at a position mediate said first and second link ends (figure 2); a body link 19 having a first end pivotably attached to said body 1, and a second end pivotably attached to the first link end of said central control link 15; and a door link 17 having a first end pivotably attached to said door 2, and a second end pivotably attached to the

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second link end of said central control link 15. Gross does not disclose a vehicle, or the central link attaching to the main body at a lateral offset.

Sildake discloses a vehicle having a body 4 having a passenger compartment (figure 1) with a door opening 18; a door 14 sized to fit said opening 18, and a two hinge bodies attaching the door to the body on the C pillar with the hinge axes in a vertical orientation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the hinge of Gross in the application of Sildake. Both deal in the art of hinges and the application of the Gross hinge to the purpose of Sildake would not require undue changes to Gross hinge. This would have been motivated by the desire to reduce cost in design by using a known hinge in a known place to apply a hinge. In applying the hinge of Gross to the purpose of Sildake, the result is an upper and lower hinge with all of the included pieces having an upper and lower orientation.

In applying the hinge of Gross for the purpose of Sildake, it would have been obvious to one of ordinary skill in the art to modify the shape of the main body of the hinge (12 of Gross, 52 of Siladke), due to the shapes of the hinging articles (see door at point 86 of figure 4 of Siladke, which curves into the hinge's space). In changing the shape of the link in such a manner, whether it is a C-shaped piece or a 7 shaped piece, the connection between the main body and the central link has to be along the line of the main body, which would be at an offset between the ends of the main body. It would have been obvious to one having ordinary skill in the art at the time the invention as made to alter the shape of the main body of Gross to accommodate use in the

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alternative use as taught by Siladke, as a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Regarding claim 8, Gross discloses a hinge, comprising: a body 1 having an opening; a door 2 sized to fit said opening; a hinge body 12 having a first end pivotably attached to said door 2, and a second end pivotably attached to said body 1, such that said door 2 may be rotated about a plurality of axes; a central control link 15 having a first link end and a second link end, with said central control link 15 being pivotably attached to said hinge body 12 at a position mediate said first and second link ends (figure 2); a body link 19 having a first end pivotably attached to said body 1, and a second end pivotably attached to the first link end of said central control link 15; and a door link 17 having a first end pivotably attached to said door 2, and a second end pivotably attached to the second link end of said central control link 15. Gross does not disclose a vehicle, or the main body and the central link attaching at an offset location.

Sildake discloses a vehicle having a body 4 having a passenger compartment (figure 1) with a door opening 18; a door 14 sized to fit said opening 18, and a two hinge bodies attaching the door to the body on the C pillar with the hinge axes in a vertical orientation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the hinge of Gross in the application of Sildake. Both deal in the art of hinges and the application of the Gross hinge to the purpose of Sildake would not



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require undue changes to Gross hinge. This would have been motivated by the desire to reduce cost in design by using a known hinge in a known place to apply a hinge.

In applying the hinge of Gross for the purpose of Sildake, it would have been obvious to one of ordinary skill in the art to modify the shape of the main body of the hinge (12 of Gross, 52 of Siladke), due to the shapes of the hinging articles (see door at point 86 of figure 4 of Siladke, which curves into the hinge's space). In changing the shape of the link in such a manner, whether it is a C-shaped piece or a 7 shaped piece, the connection between the main body and the central link has to be along the line of the main body, which would be at an offset between the ends of the main body. It would have been obvious to one having ordinary skill in the art at the time the invention as made to alter the shape of the main body of Gross to accommodate use in the alternative use as taught by Siladke, as a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Regarding claim 9, Gross as modified and applied for the purpose of Sildake, the "body" to which the hinge is attached would be the C pillar of a vehicle.

Regarding claim 10, Gross as modified discloses the claimed invention except for a C-shaped hinge body member. It would have been obvious to one having ordinary skill in the art at the time the invention as made to slightly alter the shape of the body member, a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 5-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMILY M. MORGAN whose telephone number is (571)270-3650. The examiner can normally be reached on Monday-Thursday, alternate Fri, 7:30am to 5pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Supervisory Patent Examiner, Art Unit 3677

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