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Muncy, Geissler, Olds & Lowe, P.C.			EXAMINER	
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Alexandria, VA 22314				
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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.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,565 .

PATENT UNDER REEXAMINATION 10690336 .

ART UNIT 3993 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting Request For Ex Parte Reexamination	Control No. 90/019,565	Patent Under Reexamination 10690336	
	Examiner LAURA L DAVISON	Art Unit 3993	AIA (FITF) Status Yes

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

The request for *ex parte* reexamination filed 07/02/2024 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) ☐ PTO-892, b) ☒ PTO/SB/08, c) ☐ Other: _____

1. ☒ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

/Laura Davison/ Reexamination Specialist, Art Unit 399		
cc:Requester (if third party requester)		

DECISION ON REQUEST

A substantial new question of patentability (SNQ) affecting **claims 1-5 of United States Patent Number 10,690,336** (the '336 patent) is raised by the request for *ex parte* reexamination.

Notice of Pre-AIA or AIA Status

This reexamination proceeding, concerning US Patent No. 10,690,336 issuing from US Application SN 16/403,867 filed May 6, 2019, is being examined under the first inventor to file provisions of the AIA.

Extensions of Time

Extensions of time under 37 C.F.R. 1.136(a) will not be permitted in these proceedings because the provisions of 37 C.F.R. 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 C.F.R. 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 C.F.R. 1.550(c).

Service of Papers

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 C.F.R. 1.248. See 37 C.F.R. 1.550(c).

Waiver of Right to File Patent Owner Statement

In a reexamination proceeding, Patent Owner may waive the right under 37 C.F.R. 1.530 to file a Patent Owner Statement. The document needs to contain a statement that Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 C.F.R. 1.248, if the request for reexamination was made by a third party requester, see 37 C.F.R. 1.550(f). The Patent Owner may consider using the following statement in a document waiving the right to file a Patent Owner Statement:

WAIVER OF RIGHT TO FILE PATENT OWNER STATEMENT

Patent Owner waives the right under 37 C.F.R. § 1.530 to file a Patent Owner Statement.

Patent Owner has **not** agreed to waive the right to file a Patent Owner Statement under 37 C.F.R. 1.50. USPTO personnel have not reached Patent Owner.

Amendment in Reexamination Proceedings

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 C.F.R. 1.530(d)-(j), must be formally presented pursuant to 37 C.F.R. 1.52(a) and (b), and must contain any fees required by 37 C.F.R. 1.20(c). See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Submissions

In order to ensure full consideration of any affidavits or declarations or other documents as evidence of patentability, such documents must be submitted in response to the first Office

action on the merits (which does not result in a close of prosecution). Submissions after the second Office action on the merits, which is intended to be a final action, will be governed by the requirements of 37 C.F.R. 1.116, after final rejection and by 37 C.F.R. 41.33 after appeal, which will be strictly enforced.

Notification of Concurrent Proceedings

The patent owner is reminded of the continuing responsibility under 37 C.F.R. 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the patent throughout the course of this reexamination proceeding. Likewise, the third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Notification of Current Assignment of the Patent

The patent owner is requested to provide the current assignment information for the patent for which reexamination is requested. An assignment can be made of record in the file of a patent application, patent, or other patent proceeding (e.g., reexamination proceeding). This step is necessary to permit the assignee to "take action" in the application, patent, or other patent proceeding under the conditions set forth in 37 C.F.R. 3.73 and MPEP § 324. Recordation of an assignment in the assignment records of the Office, however, does not, by itself, permit the assignee to take action in the application, patent, or other patent proceeding.

Brief Summary of the Prior Examination Proceeding

US Patent No. 10,699,336 (the '336 Patent) was filed as SN 16/403,867 (the '867 application) on May 6, 2019. The '867 application claims priority to Taiwan Patent Application No. TW 107217659 U, which was filed on December 26, 2018.

During prosecution of the '867 application, the examiner issued a first action Notice of Allowance on April 13, 2020. The Notice of Allowance included the following reasons for allowance:

Claim 1 recites an illumination fan connectable with another illumination fan including a power socket and a first connector on one side of a body of an illumination fan, and a second connector on another side of the body of the illumination fan, and when the first connector of the body of the illumination fan is connected with a second connector of a body of the other illumination fan, a fan and an illumination area of the body of the other illumination fan are respectively drive into rotation and illumination.

Claims 2-5 depend on claim 1.

With the Notice of Allowance, the examiner included a Notice of References Cited (PTO-892) listing the following patent documents: US 2006/0012973 (Lin), US 7,332,841 (Hsu), US 2019/0242688 (Huang), US 2019/0301473 (Kato), US 2011/0116234 (Ye), US 2004/0115986 (Chen), and US 2017/0331346 (Lai).

Substantial New Questions of Patentability Proposed by Requester

The request indicates that the third party requester considers the following prior art references to raise substantial new questions of patentability:

Fujitsu, JP 2018041147 A

Tsai, CN 207064277 U

Chou et al., US 2008/0279694 A1

Lai, US 2017/0314777 A1

The third party requester's position is as follows:

Ground 1: Claims 1-4 are unpatentable in light of Fujitsu in combination with Tsai.

Ground 2: Claim 5 is unpatentable in light of Fujitsu in combination with Tsai and Chou.

Ground 3: Claims 1, 2, and 4 are unpatentable in light of Lai in combination with Fujitsu.

Ground 4: Claim 5 is unpatentable in light of Lai in combination with Fujitsu and Chou.

Analysis of the Substantial New Questions of Patentability in the Request

Ground 1: Fujitsu in combination with Tsai

Fujitsu (JP 2018041147 A) has a publication date of March 15, 2018. Fujitsu was not cited or considered during the prosecution of the '336 patent. Fujitsu qualifies as prior art under 35 U.S.C. § 102(a)(1) for all claims.

Tsai (CN 207064277 U) has a publication date of March 2, 2018. Tsai was not cited or considered during the prosecution of the '336 patent. Tsai qualifies as prior art under 35 U.S.C. § 102(a)(1) for all claims.

Fujitsu discloses a fan (fan unit 10, Fig. 7) connectable with at least one other fan (Figs. 5-6), the fan comprising a power socket (CNA, CNB; ¶ 39), a first connector (CNC) on one side of a body of the fan, and a second connector (CND) on another side of the body, configured such that when the first connector of the fan is connected with a second connector of the other fan, the other fan is driven into rotation (¶ 37-41).

Tsai discloses an illumination fan (Figs. 1-3) comprising a fan (fan blade 42 rotated by motor 41) and an illumination area (light guiding ring 20), wherein the fan and the illumination

area are respectively driven into rotation and illumination when power is supplied to the illumination fan (§ 37).

Therefore, it appears that Fujitsu in combination with Tsai has at least one teaching relevant to “an illumination fan connectable with at least one illumination fan” including “a first connector on one side of the body” and “a second connector on another side of the body,” such that “when the first connector of the body of the illumination fan is connected with a second connector of a body of another illumination fan, a fan and an illumination area of the body of another illumination fan are respectively driven into rotation and illumination,” which are limitations that appear to have been missing from the prior art during the prior examination.

With the teaching of Fujitsu in combination with Tsai, there is a substantial likelihood that a reasonable examiner would consider the disclosures of Fujitsu and Tsai to be important in deciding the patentability of the ‘336 patent.

Accordingly, it is agreed that Fujitsu in combination with Tsai raises a SNQ with respect to the ‘336 patent.

Ground 3: Lai in combination with Fujitsu

Lai (US 2017/0314777 A1) has a publication date of November 2, 2017. Lai was not cited or considered during the prosecution of the ‘336 patent. Lai qualifies as prior art under 35 U.S.C. § 102(a)(1) and 102(a)(2) for all claims.

Lai discloses an illumination fan (10, Figs. 2-6) connectable with at least one other illumination fan (Figs. 3-6) such that when the illumination fan is connected with another illumination fan (§ 12), a fan and an illumination area (illuminated by LEDs 16, Fig. 2) of the other illumination fan are respectively driven into rotation and illumination (§ 16).

As noted above, Fujitsu discloses a fan (fan unit 10, Fig. 7) connectable with at least one other fan (Figs. 5-6) via a first connector (CNC) on one side of a body of the fan and a second connector (CND) on another side of the body of the other fan, such that when the first connector of the fan is connected with a second connector of the other fan, the other fan is driven into rotation (§§ 37-41).

Therefore, it appears that Lai in combination with Fujitsu has at least one teaching relevant to “an illumination fan connectable with at least one illumination fan” including “a first connector on one side of the body” and “a second connector on another side of the body,” such that “when the first connector of the body of the illumination fan is connected with a second connector of a body of another illumination fan, a fan and an illumination area of the body of another illumination fan are respectively drive into rotation and illumination,” which are limitations that appear to have been missing from the prior art during the prior examination.

With the teaching of Lai in combination with Fujitsu, there is a substantial likelihood that a reasonable examiner would consider the disclosures of Lai and Fujitsu to be important in deciding the patentability of the ‘336 patent.

Accordingly, it is agreed that Lai in combination with Fujitsu raises a SNQ with respect to the ‘336 patent.

Ground 2: Fujitsu in combination with Tsai and Chou

Ground 4: Lai in combination with Fujitsu and Chou

Chou (US 2008/0279694 A1) has a publication date of November 13, 2008. Chou was not cited or considered during the prosecution of the ‘336 patent. Chou qualifies as prior art under 35 U.S.C. § 102(a)(1) and 102(a)(2) for all claims.

Chou discloses a fan (2, Fig. 2) connectable with another fan (2, Fig. 4), the fan (2) including a groove (sliding rail 246, Fig. 2), and the two fans (2) being connected by respectively engaging an engaging block (connecting member 46, Fig. 4) within the grooves on the sides of the two fans (2).

Therefore, it appears that Chou, considered in combination with Fujitsu and Tsai or in combination with Lai and Fujitsu as discussed above, has at least one teaching relevant to “a groove” and “an engaging block” which are limitations that appear to have been missing from the prior art during the prior examination.

With the teaching of Chou, considered in combination with Fujitsu and Tsai or in combination with Lai and Fujitsu, there is a substantial likelihood that a reasonable examiner would consider the disclosure of Chou to be important in deciding the patentability of claim 5 of the ‘336 patent.

Accordingly, it is agreed that Fujitsu in combination with Tsai and Chou, or Lai in combination with Fujitsu and Chou, raises a SNQ with respect to the ‘336 patent.

35 USC 325(d)

A review of the post grant history for the instant patent indicates that there have been no other Office post grant challenges made to the patent (Reexamination Proceedings or *Inter Partes* Review, Post Grant Review, Covered Business Method trials). Accordingly, a discretionary denial of reexamination pursuant to 35 USC 325(d) is not applicable.

Conclusion

For the reasons given above, at least one of the references cited by the third party requester raises a substantial new question of patentability with respect to the subject patent. Accordingly, the '336 patent will be reexamined.

All correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

By E-filing: Registered users may submit via the Patent Center,
at: <https://patentcenter.uspto.gov/>

By Mail: Mail Stop *Ex Parte* Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

For Patent Center transmissions, 37 CFR 1.8(a)(1) (i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if: (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4); and, (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry concerning the status of this proceeding, should be directed to the Central Reexamination Unit (CRU) at telephone number: (571) 272-7705. The CRU's fax number is: (571) 273-9900. Any inquiry concerning this communication or earlier communications from the examiner should

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be directed to LAURA L DAVISON whose telephone number is (571) 270-0189. The examiner can normally be reached Monday - Friday, 8:00 a.m. - 4:00 p.m. ET.

/Laura Davison/
Reexamination Specialist, Art Unit 3993

Conferees:
/Patricia L Engle/
Reexamination Specialist, Art Unit 3993

/RUSSELL D STORMER/
Acting SPRS, Art Unit 3993