Customer No. 26629 Patent
Confirmation No. 1059 Attorney Docket No. CET1090.042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Collie et al.
Serial No.	:	14/925,441
Filed	:	10/28/2015
For	:	BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF
Group Art No.	:	3747
Examiner	:	Long T. Tran

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

□ deposited with the US Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 CFR 1.8(a) **37 CFR 1.10**

□ with sufficient postage as first class mail □ As "Express Mail Post Office to Addressee" Mailing Label No.

Transmission

■ transmitted by facsimile to Fax No.: 571-273-8300 addressed to **Examiner Long T. Tran** at the Patent and Trademark Office.

□ transmitted by EFS-WEB addressed to **Examiner Long T. Tran** at the Patent and Trademark Office.

Date: May 20, 2020 /Robyn L. Templin/
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

Responsive to the Notice of Allowability mailed March 6, 2020, Applicant submits the following remarks responsive to the Examiner's Statement of Reasons for Allowance.

REMARKS

In response to the Examiner's Reasons for Allowance, Applicant believes that a separate Statement of Reasons for Allowance is unnecessary in the present case as the file history sufficiently sets forth the patentable distinctions of claims 1-3 and 5-65.

The patentability of claims 1-3 and 5-65 lies in each claim as a whole. That is, a single particular element or feature of a claim does not define the claim's patentability, but rather, it is the combination of elements and the interconnection therebetween that define the invention. The claims cannot be considered to be limited in scope based on this brief statement by the Examiner. Applicant stands by its position previously set forth in the file history.

Applicant does not acquiesce to the accuracy of the Examiner's statements in the Reasons for Allowance, the Examiner's partial paraphrasing of the claim elements, or the Examiner's characterization of the prior art.

Entry of these remarks is appreciated and Applicant cordially invites the Examiner to respond, should the Examiner disagree.

Respectfully submitted,

/Timothy J. Ziolkowski/

Timothy J. Ziolkowski
Registration No. 38,368
Direct Dial 262-268-8181
tjz@zpspatents.com

Dated: May 20, 2020
Attorney Docket No.: CET1090.042

P.O. ADDRESS:
Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100

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Harbor Freight Tools USA, Inc. et al v. Champion Power Equip., Inc.
IPR2025-01271

UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
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ELECTRONIC PAYMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
14/925,441	05/20/2020 03:00:13 PM ET	CET1090.042

Title of Invention

BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	-
CONFIRMATION #	1059	FILED BY	Robyn Templin
PATENT CENTER #	60024819	AUTHORIZED BY	Timothy Ziolkowski
CUSTOMER #	26629	FILING DATE	10/28/2015
CORRESPONDENCE ADDRESS	-	FIRST NAMED INVENTOR	Kendall Collie

Payment Information

PAYMENT METHOD	PAYMENT TRANSACTION ID	PAYMENT AUTHORIZED BY
CARD / 4529	E20205JF01243271	Robyn Templin

FEE CODE	DESCRIPTION	ITEM PRICE($)	QUANTITY	ITEM TOTAL($)
2501	UTILITY ISSUE FEE	500.00	1	500.00
			TOTAL AMOUNT:	$500.00

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage

submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26629 7590 03/06/2020

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

Robyn L. Templin	(Typed or printed name)
/Robyn L. Templin/	(Signature)
May 20, 2020	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/925,441	10/28/2015	Kendall J. Collie	CET1090.042	1059

TITLE OF INVENTION: BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$500	$0.00	$0.00	$500	06/08/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
TRAN, LONG T	3747	123-575000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Ziolkowski Patent Solutions Group, SC
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: Champion Power Equipment, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Santa Fe Springs, CA

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ☒ Corporation or other private group entity ❑ Government

4a. Fees submitted: ☒ Issue Fee ❑ Publication Fee (if required) ❑ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

☒ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Timothy J. Ziolkowski/ Date May 20, 2020

Typed or printed name Timothy J. Ziolkowski Registration No. 38,368

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Harbor Freight Tools USA, Inc. et al v. Champion Power Equip., Inc.
IPR2025-01271

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PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
14/925,441	05/20/2020 03:00:13 PM ET	CET1090.042

Title of Invention

BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF

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APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	-
CONFIRMATION #	1059	FILED BY	Robyn Templin
PATENT CENTER #	60024819	FILING DATE	10/28/2015
CUSTOMER #	26629	FIRST NAMED INVENTOR	Kendall Collie
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	Timothy Ziolkowski

Documents

TOTAL DOCUMENTS: 2

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
2020.05.20 Issue Fee.pdf	1	Issue Fee Payment (PTO-85B)	585 KB
2020.05.20 Comments on Reasons.pdf	2	Miscellaneous Incoming Letter	502 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
2020.05.20 Issue Fee.pdf	BCE83B4CDCB87C42F93A507ADDB9D17DD58D0B2B4313440E E0EAC508FF708D1634DBCBCF99DAF2BB67403EA559605396F DCF9EEE78F6DA183E9F9CC433D43444

2020.05.20 Comments on Reasons.pdf	6E77F866C0BF3B3D908A0F53F4D4B0EF38BC389839D56BE685E6F1C0F16F4F12F9ED30831CE39DA99065683488333C820944CEEB4EC9C2C184D3AD2858C4091D

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

26629 7590 03/06/2020

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

EXAMINER	
TRAN, LONG T	
ART UNIT	**PAPER NUMBER**
3747	

DATE MAILED: 03/06/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/925,441	10/28/2015	Kendall J. Collie	CET1090.042	1059

TITLE OF INVENTION: BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$500	$0.00	$0.00	$500	06/08/2020

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

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Harbor Freight Tools USA, Inc. et al v. Champion Power Equip., Inc.
IPR2025-01271

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26629 7590 03/06/2020

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PORT WASHINGTON, WI 53074

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/925,441	10/28/2015	Kendall J. Collie	CET1090.042	1059

TITLE OF INVENTION: BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF

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nonprovisional	SMALL	$500	$0.00	$0.00	$500	06/08/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
TRAN, LONG T	3747	123-575000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. Fees submitted: ❑Issue Fee ❑Publication Fee (if required) ❑Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

❑ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

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NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

Champion - EX2082, Page 9 of 575
Harbor Freight Tools USA, Inc. et al v. Champion Power Equip., Inc.
IPR2025-01271

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/925,441	10/28/2015	Kendall J. Collie	CET1090.042	1059

26629 7590 03/06/2020

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ZPS)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

EXAMINER	
TRAN, LONG T	

ART UNIT	PAPER NUMBER
3747	

DATE MAILED: 03/06/2020

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Champion - EX2082, Page 10 of 575
Harbor Freight Tools USA, Inc. et al v. Champion Power Equip., Inc.
IPR2025-01271

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 14/925,441	Applicant(s) Collie et al.	
	Examiner LONG T TRAN	Art Unit 3747	AIA (FITF) Status Yes

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☑ This communication is responsive to 22 January 2020.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ 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.

3. ☑ The allowed claim(s) is/are 1-3 and 5-65 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information , please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   a) ☐ All b) ☐ Some *c) ☐ None of the:

   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)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☑ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☐ Examiner's Amendment/Comment
6. ☑ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/LONG T TRAN/
Primary Examiner, Art Unit 3747

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Allowable Subject Matter

2. Claims 1 – 3, 5 – 65 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art references fail to disclose or teach in combination a dual fuel engine comprising: an engine operable on a gaseous fuel and a liquid fuel; a switch to change operation of the engine between gaseous fuel and liquid fuel; a carburetor attached to an intake of the engine to mix air and fuel and connect to a gaseous fuel source and a liquid fuel source; a liquid fuel valve positioned along a liquid fuel line coupling the liquid fuel source to the carburetor; a gaseous fuel valve positioned along a gaseous fuel line coupling the gaseous fuel source to the carburetor; and a liquid fuel cut-off incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid fuel to gaseous fuel. The closest prior art references, Poehlman (US 4,489,699) and Tsuda et al. (US 5,809,979), teach a similar engine but are deficient in having a liquid cut-off incorporated into the carburetor. It would not have been obvious to further modify the combination of Poehlman and Tsuda et al. to include the additional fuel cut-off.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONG T TRAN whose telephone number is (571)270-1899. The examiner can normally be reached on Mon - Fri 9:00 - 5:00.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lindsay Low can be reached on 571-272-1196. 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.

/LONG T TRAN/
Primary Examiner, Art Unit 3747

Notice of References Cited	Application/Control No. 14/925,441	Applicant(s)/Patent Under Reexamination Collie et al.	
	Examiner LONG T TRAN	Art Unit 3747	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20150122230-A1	05-2015	Sarder; Mark J.	F02D19/0613	123/525
*	B	US-20110253102-A1	10-2011	Watanabe; Tsuyoshi	F02D41/064	123/438
*	C	US-20100258099-A1	10-2010	Andersson; Martin N.	F02D31/006	123/676
*	D	US-20070137591-A1	06-2007	Sugimoto; Yasuhiro	F02B63/04	123/41.7
*	E	US-6591817-B2	07-2003	Deutsch; Robert W.	F02D19/0647	123/525
*	F	US-20020134362-A1	09-2002	Deutsch, Robert W.	F02D19/0647	123/575
*	G	US-5809979-A	09-1998	Tsuda; Hiroyuki	F02M13/08	123/525
*	H	US-5611312-A	03-1997	Swanson; Mark S.	F02M1/02	123/179.18
*	I	US-4489699-A	12-1984	Poehlman; Arthur G.	F02B69/04	123/525
*	J	US-4393848-A	07-1983	Poehlman; Arthur G.	F02B69/04	123/525
*	K	US-3783849-A	01-1974	Bramfitt; Thomas Hugh	F02M13/06	123/576
*	L	US-3718000-A	02-1973	Walker; Brooks	F02B11/02	60/285
*	M	US-3659574-A	05-1972	Reschke; Albert H.	F02M13/08	123/525

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
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✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/18/2017	08/02/2017	01/22/2018	06/11/2018	10/04/2018	02/19/2019	07/17/2019	03/02/2020	
1	1	÷	✓	✓	✓	✓	✓	✓	✓	
2	2	÷	✓	✓	✓	✓	✓	✓	✓	
3	3	÷	✓	✓	✓	✓	✓	✓	✓	
	4	÷	✓	✓	✓	✓	✓	-	-	
4	5	÷	✓	✓	✓	✓	✓	✓	=	
5	6	÷	✓	✓	✓	✓	✓	✓	=	
6	7	÷	✓	✓	✓	✓	✓	✓	=	
7	8	÷	✓	✓	✓	✓	✓	✓	=	
8	9	÷	✓	✓	✓	✓	✓	✓	=	
9	10	÷	✓	✓	✓	✓	✓	✓	=	
10	11	÷	✓	✓	✓	✓	✓	✓	=	
15	12	÷	✓	✓	✓	✓	✓	✓	=	
16	13	÷	✓	✓	✓	✓	✓	✓	=	
17	14	÷	✓	✓	✓	✓	✓	✓	=	
18	15	÷	✓	✓	✓	✓	✓	✓	=	
19	16	÷	✓	✓	✓	✓	✓	✓	=	
20	17	÷	✓	✓	✓	✓	✓	✓	=	
21	18	÷	✓	✓	✓	✓	✓	✓	=	
23	19	÷	N	✓	✓	✓	✓	✓	=	
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25	21	÷	N	✓	✓	✓	✓	✓	=	
26	22	÷	N	✓	✓	✓	✓	✓	=	
27	23	÷	N	✓	✓	✓	✓	✓	=	
28	24	÷	N	✓	✓	✓	✓	✓	=	
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30	26	÷	N	✓	✓	✓	✓	✓	=	
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33	29	÷	N	✓	✓	✓	✓	✓	=	
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43	35	÷	N	✓	✓	✓	✓	✓	=	
44	36	÷	N	✓	✓	✓	✓	✓	=	
45	37	÷	N	✓	✓	✓	✓	✓	=	
46	38	÷	N	✓	✓	✓	✓	✓	=	
47	39	÷	N	✓	✓	✓	✓	✓	=	
48	40	÷	N	✓	✓	✓	✓	✓	=	
49	41	÷	N	✓	✓	✓	✓	✓	=	
50	42	÷	N	✓	✓	✓	✓	✓	=	

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/925,441	Collie et al.
	Examiner	Art Unit
	LONG T TRAN	3747

CLAIM		DATE								
Final	Original	04/18/2017	08/02/2017	01/22/2018	06/11/2018	10/04/2018	02/19/2019	07/17/2019	03/02/2020	
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52	44	÷	N	✓	✓	✓	✓	✓	=	
53	45	÷	N	✓	✓	✓	✓	✓	=	
54	46	÷	N	✓	✓	✓	✓	✓	=	
55	47	÷	N	✓	✓	✓	✓	✓	=	
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64	55	÷	N	✓	✓	✓	✓	✓	=	
11	56	÷	✓	✓	✓	✓	✓	✓	=	
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14	61	÷	✓	✓	✓	✓	✓	✓	=	
41	62	÷	N	✓	✓	✓	✓	✓	=	
42	63	÷	N	✓	✓	✓	✓	✓	=	
22	64						✓	✓	=	
56	65						✓	✓	=	

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/925,441	Collie et al.
	Examiner	Art Unit
	LONG T TRAN	3747

CPC - Searched*		
Symbol	Date	Examiner
F02D19/0647; F02D19/0613; F02D29/06; F02D41/0025; F02D11/02; F02D19/0642; F02D35/0053; F02B63/04; F02B43/00; F02B63/044; F02M13/08; F02M19/08; F02M21/047; F02N3/02	8/2/2017	LT

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Inventor search	8/2/2017	LT
PLUS search	8/2/2017	LT
Forward and backward citation	8/2/2017	LT
Text search	8/2/2017	LT
Updated text search	1/22/2018	LT
Updated text search	6/11/2018	LT
Updated text search	10/4/2018	LT
Updated text search	07/17/2019	LT

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Harbor Freight Tools USA, Inc. et al v. Champion Power Equip., Inc.
IPR2025-01271

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/925,441	Collie et al.
	Examiner	Art Unit
	LONG T TRAN	3747

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	F02D19/0647; F02D19/0613; F02D29/06; F02D41/0025; F02D11/02; F02D19/0642; F02D35/0053; F02B63/04; F02B43/00; F02B63/044; F02M13/08; F02M19/08; F02M21/047; F02N3/02	03/02/2020	LT

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IPR2025-01271

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/925,441	Collie et al.
	Examiner	Art Unit
	LONG T TRAN	3747

CPC						
Symbol					Type	Version
F02M	/	17	/	38	F	2013-01-01
F02M	/	13	/	08	I	2013-01-01
F02D	/	19	/	0613	I	2013-01-01
F02M	/	43	/	00	I	2013-01-01
F02B	/	43	/	00	I	2013-01-01
F02M	/	17	/	10	I	2013-01-01
F02M	/	21	/	0212	I	2013-01-01
F02B	/	63	/	04	I	2013-01-01
F02D	/	41	/	062	A	2013-01-01
Y02T	/	10	/	32	A	2013-01-01
F02M	/	21	/	047	A	2013-01-01
Y02T	/	10	/	36	A	2013-01-01
F02D	/	41	/	0025	A	2013-01-01
F02M	/	19	/	08	A	2013-01-01
F02N	/	3	/	02	A	2013-01-01

CPC Combination Sets								
Symbol					Type	Set	Ranking	Version
	/		/					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	64	
/LONG T TRAN/ Primary Examiner, Art Unit 3747	02 March 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200302

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Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
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	Examiner	Art Unit
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INTERNATIONAL CLASSIFICATION				
CLAIMED				
F02M	/	17	/	38
F02M	/	13	/	08
F02B	/	43	/	00

NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	64	
/LONG T TRAN/ Primary Examiner, Art Unit 3747	02 March 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

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Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/925,441	Collie et al.
	Examiner	Art Unit
	LONG T TRAN	3747

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	10	11	19	16	28	24	37	33	46	38	55	47	64	55
2	2	11	56	20	17	29	25	38	34	47	39	56	65		
3	3	12	57	21	18	30	26	39	58	48	40	57	48		
4	5	13	60	22	64	31	27	40	59	49	41	58	49		
5	6	14	61	23	19	32	28	41	62	50	42	59	50		
6	7	15	12	24	20	33	29	42	63	51	43	60	51		
7	8	16	13	25	21	34	30	43	35	52	44	61	52		
8	9	17	14	26	22	35	31	44	36	53	45	62	53		
9	10	18	15	27	23	36	32	45	37	54	46	63	54		

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	64	
/LONG T TRAN/ Primary Examiner, Art Unit 3747	02 March 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

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Customer No. 26629 Patent
Confirmation No. 1059 Attorney Docket No. CET1090.042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Collie et al.
Serial No.	:	14/925,441
Filed	:	October 28, 2015
For	:	BATTERYLESS DUAL FUEL ENGINE WITH LIQUID FUEL CUT-OFF
Group Art No.	:	3747
Examiner	:	Long T. Tran

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

□ deposited with the US Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 CFR 1.8(a) **37 CFR 1.10**

□ with sufficient postage as first class mail □ As "Express Mail Post Office to Addressee" Mailing Label No.

Transmission

□ transmitted by facsimile to Fax No.: 571-273-8300 addressed to **Examiner Long T. Tran** at the Patent and Trademark Office.

■ transmitted by EFS-WEB addressed to **Examiner Long T. Tran** at the Patent and Trademark Office.

Date: January 22, 2020 /Robyn L. Templin/
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R §41.37

Dear Sir:

This Appeal Brief is being filed in furtherance of the Notice of Appeal filed on October 22, 2019.

1. REAL PARTY IN INTEREST

The real party in interest is Champion Power Equipment, Inc. by virtue of the Assignment recorded November 29, 2018, at reel 047681, frame 0698.

2. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellant's legal representative in this Appeal. Champion Power Equipment, Inc., the Assignee of the above-referenced application, as evidenced by the documents mentioned above, will be directly affected by the Board's decision in the pending appeal.

3. SUMMARY OF CLAIMED SUBJECT MATTER

The following is a summary of the claimed subject matter of independent claims 1, 19, 35, and 48, as disclosed in the specification with supporting citations to reference numerals and page and line numbers in accordance with 37 C.F.R. §41.37(c)(1)(iii).

Claim 1 calls for a dual fuel engine (60) that includes an engine (60) operable on a gaseous fuel and a liquid fuel. *Specification*, ¶ [0031]; FIG. 1 and FIGS. 4A, 4B. A switch (86) is provided to change operation of the engine (60) between gaseous fuel and liquid fuel. *Specification*, ¶ [0056]; FIGS. 4A, 4B. A carburetor (62) is attached to an intake (90) of the engine (60) to mix air and fuel and connect to a gaseous fuel source (30) and a liquid fuel source (28), with a liquid fuel valve (54) positioned along a liquid fuel line (66) coupling the liquid fuel source (28) to the carburetor (62), a gaseous fuel valve (54) positioned along a gaseous fuel line (70) coupling the gaseous fuel source (30) to the carburetor (62), and a liquid fuel cut-off (72) incorporated into the carburetor (62) to interrupt liquid fuel upon actuation of the switch (86) from liquid fuel to gaseous fuel. *Specification*, ¶¶ [0048]-[0051], [0058], [0061]-[0063]; FIGS. 4A, 4B.

Claim 19 calls for a batteryless dual fuel generator (20) that includes a housing (21) containing a pull start engine (60) coupled to drive an alternator, the engine (60) operable on a gaseous fuel and a liquid fuel. *Specification*, ¶¶ [0031], [0032], [0052]; FIG. 1 and FIGS. 4A, 4B. The generator (20) also includes a carburetor (62) attached to an intake (90) of the engine (60), with the carburetor (62) including a throat (92) to mix

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fuel with air, a float bowl (104), and a fuel passage (164) extending from the float bowl (104) to the throat (92) to provide liquid fuel. *Specification*, ¶¶ [0048], [0063], [0070]; FIGS. 4A, 4B and 6. A fuel shutoff (72) is attached to the carburetor (62) to close the fuel passage (164) upon selection of engine (60) operation to gaseous fuel. *Specification*, ¶¶ [0048]-[0051]; FIGS. 4A, 4B.

Claim 35 calls for a carburetor (62) having a fuel shutoff (72) that includes a carburetor (62) having a float bowl (104), a throat (92), and a fuel passage (164) extending from the float bowl (104) to the throat (92). *Specification*, ¶¶ [0048], [0063], [0070]; FIGS. 4A, 4B and 6. A fuel shutoff (72) is coupled to the carburetor (62) having a first end in the carburetor (62) that actuates to close the fuel passage (164) and a second end external to the carburetor (62) to actuate the first end, with the fuel shutoff (72) actuating free from linear motion. *Specification*, ¶¶ [0064]-[0074]; FIGS. 5 and 6.

Claim 48 calls for a method of assembling a dual fuel engine (60), with the method including providing an engine (60) operable on a gaseous fuel and a liquid fuel and attaching a carburetor (62) to an intake (90) of the engine (60), with the carburetor (62) including a throat (92) to mix gaseous fuel with air and liquid fuel with air, a float bowl (104), and a fuel passage (164) extending from the float bowl (104) to the throat (92) to provide liquid fuel. *Specification*, ¶¶ [0031], [0048], [0063], [0070]; FIGS. 4A, 4B and 6. The method also includes coupling a switch (86) to the engine (60) to change operation of the engine (60) between gaseous fuel and liquid fuel and attaching a liquid fuel cut-off (72) to the carburetor (62) to close the fuel passage (164) upon actuation of the switch (86) from liquid fuel to gaseous fuel. *Specification*, ¶¶ [0056], [0064], [0071]; FIGS. 4A, 4B, and 6.

4. ARGUMENTS

Rejection under 35 U.S.C. §103 over Sugimoto et al. in view of Poehlman

Claims 19 and 48

The Examiner rejected independent claims 19 and 48 together under 35 U.S.C. §103 as being unpatentable over Sugimoto et al. (US Pub. 2007/0137591) and further in view of Poehlman (USP 4,489,699).

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Claim 19 calls for, in part, a batteryless dual fuel generator including a carburetor attached to an intake of an engine and comprising a throat to mix fuel with air, a float bowl, and a fuel passage extending from the float bowl to the throat, and including a fuel shutoff attached to the carburetor to close the fuel passage upon selection of engine operation to gaseous fuel.

Claim 48 calls for, in part, a method of assembling a dual fuel engine including the steps of attaching a carburetor to an intake of the engine, the carburetor comprising a throat to mix gaseous fuel with air and liquid fuel with air, a float bowl, and a fuel passage extending from the float bowl to the throat, and including attaching a liquid fuel cut-off to the carburetor to close the fuel passage upon actuation of the switch from liquid fuel to gaseous fuel.

Introduction

In rejecting claims 19 and 48, the Examiner asserted that "Sugimoto et al. teaches a batteryless dual fuel generator (paragraph 0086) comprising a housing (4) containing a pull start engine (46, 30) coupled to drive an alternator (40a), the engine operable on a gaseous fuel and a liquid fuel." *Final Office Action*, July 22, 2019, p. 7. The Examiner admitted that "Sugimoto is silent as to a carburetor attached to an intake of the engine comprising: a throat to mix fuel with air, a float bowl, and a fuel passage extending from the float bowl to the throat to provide liquid fuel," *id.* at 8, and thus cited to Poehlman as teaching those elements. In particular, the Examiner asserted that Poehlman discloses "a carburetor (15) attached to an intake (105) of the engine comprising: a throat (where throttle 107 resides) to mix fuel with air, a float bowl (17), a fuel passage (19) to provide liquid fuel from the float bowl to the throat; and a fuel shutoff (43) attached to the carburetor to close the fuel passage [extending from the float bowl to the throat of the carburetor] upon selection of engine operation to gaseous fuel." *Id.*

Appellant respectfully disagrees with the rejection and believes claims 19 and 48 to be patentably distinct from that which is disclosed in Sugimoto and Poehlman. As set forth in MPEP §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP §2142. "With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the

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legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." *Id.* (emphasis in original). As will be set forth in detail here below, the combination of Sugimoto and Poehlman does not teach or suggest the claimed invention. Accordingly, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claims 19 and 48.

Cited Prior Art – Sugimoto & Poehlman

Sugimoto discloses an engine generator 1 that includes a combustion engine 30, a fuel supply system Fa for supplying a fuel gas to the engine 30, an electric generator 40 to be driven for operation by the engine 30, a power control unit 41 for controlling power generated by the generator 40, and an electronic control unit (ECU) 89 for controlling the engine 30 and the fuel supply system Fa. *Sugimoto*, ¶ [0042]. The fuel supply system Fa is provided with one or a plurality of fuel bottles 61, a fuel pressure regulator 62, a heating device 80, a fuel system selector valve 12, and a fuel cutoff valve 63. *Id.* at ¶ [0071]. The fuel cutoff valve 63 is a normally-open solenoid valve which closes when energized, with ECU 89 controlling the fuel cutoff valve 63 on the basis of the pressure of the first fuel gas. *Sugimoto*, ¶[0081]. The fuel system selector valve 12 connects either the first fuel system that supplies the first fuel gas to the engine 30 or the second fuel system that supplies the second gas to the engine 30 selectively to the fuel pressure regulator 62. *Id.* at ¶[0082]. The fuel system selector valve 12 can be set in a first position, where the knob of the fuel system selector valve 12 is at a first position marked with "Internal fuel" to connect the first fuel system to the engine 30 to supply the first fuel gas to the engine 30, in a second position, where the knob of the fuel system selector valve 12 is at a second position marked with "External fuel" to connect the second fuel system to the engine 30 to supply the second fuel gas to the engine 30, and in a cutoff position, where the knob of the fuel system selector valve 12 is at a cutoff position, where the knob of the fuel system selector valve 12 is at a neutral position marked with "Off" to stop supplying fuel gas to the engine 30 by disconnecting both the first and the second fuel system from the engine 30. *Id.* at ¶[0082]. The fuel system selector valve 12 is

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changed from the first to the second position and from the second to the first position via the neutral position. *Id.* at ¶[0082].

Poehlman shows in FIG. 1 a "control apparatus 11 for selectively operating an internal combustion engine 13 on a first or gaseous fuel and on a second or liquid fuel. The engine includes a carburetor 15 incorporating a float bowl 17 which is connected through a supply line 19 with a source 21 of liquid fuel, such as, for instance, gasoline." *Poehlman*, col. 3, lns. 25-31. The engine 13 "includes control means 41 for selective change-over between use of liquid fuel and gaseous fuel. In this regard, the control means 41 includes a liquid fuel control valve 43." *Id.* at col. 3, lns. 63-65. The "control means 41 includes a vacuum control switch 47 which is subject to variation in the amount of vacuum, which is normally closed, and which opens in response to the presence at the vacuum switch 47 of an amount of vacuum above a predetermined amount." *Id.* at col. 4, lns. 10-15. The "control means 41 includes a primary or fuel selector switch 51." *Id.* at col. 4, lns. 16-17. Regarding fuel changeover, Poehlman further discloses that "[i]In operation, when switching from liquid fuel to gaseous fuel, the operator moves the fuel selector switch 51 to the gaseous fuel position" and that "[a]s a result, the liquid fuel control valve 43 is consequently deenergized and turns off the liquid fuel supply to the carburetor 15… [h]owever, the engine continues to run on the liquid fuel in the carburetor bowl 17." *Id.* at col. 6, lns. 21-38. "The inlet manifold vacuum remains above the predetermined level of the vacuum switch 47 at idle or normal road speeds until the engine begins to run out of the liquid fuel in the fuel bowl 17" and "[t]he vacuum then drops to an amount less than or below the predetermined level thereby closing the vacuum switch 47 which energizes the solenoid coils 81 and 83." *Id.* at col. 6, lns. 21-38. "The first solenoid coil 81 acts to displace the first switch member 65 to the terminal 63, thereby energizing the gaseous fuel control valve 45 to the open position, and thereby also energizing the spark advance means 31 and the inlet air heating means 33." *Id.* at col. 6, lns. 21-38.

Failure of Sugimoto & Poehlman to teach Claims 19 and 48

Claim 19 is patentably distinct from the combination of Poehlman and Sugimoto at least for the reason that the combination of references fails to teach or suggest a

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carburetor attached to an intake of an engine comprising a throat to mix fuel with air, a float bowl, and a fuel passage extending from the float bowl to the throat; and a fuel shutoff attached to the carburetor to close the fuel passage upon selection of engine operation to gaseous fuel. That is, neither Poehlman nor Sugimoto teach or suggest a fuel shutoff attached to the carburetor *to close a fuel passage that extends from the float bowl to the throat*.

Similarly, claim 48 is patentably distinct from the combination of Poehlman and Sugimoto at least for the reason that the combination of references fails to teach or suggest a method of assembling a dual fuel engine comprising attaching a carburetor to an intake of the engine, the carburetor comprising a throat to mix gaseous fuel with air and liquid fuel with air, a float bowl, and a fuel passage extending from the float bowl to the throat; and attaching a liquid fuel cut-off to the carburetor to close the fuel passage (extending from the float bowl to the throat) upon actuation of the switch from liquid fuel to gaseous fuel. That is, neither Poehlman nor Sugimoto discloses attaching a liquid fuel cut-off to the carburetor *to close a fuel passage that extends from the float bowl to the throat*.

First, the Examiner's assertion that fuel line 19 in Poehlman teaches a fuel passage extending from the float bowl to the throat in a carburetor is not supported by the disclosure of Poehlman. Fuel line 19 does *not* extend from the float bowl 17 to the throat 107 in Poehlman, as instead Poehlman discloses that "a float bowl 17 [of carburetor 15] is connected through a supply line 19 with a source 21 of liquid fuel." *Poehlman*, col. 3, lns. 28-30. FIG. 1 in Poehlman clearly shows this positioning of fuel line 19 - as fuel line 19 is shown therein as connecting liquid fuel source 21 to the float bowl 17 of the carburetor 15. There is simply no teaching or suggestion in Poehlman of fuel line 19 extending from the float bowl 17 to the throat 107, as asserted by the Examiner.

The clear advantage of the present invention over that of the cited references, and any combination of the cited references, is that the present invention is able to interrupt fuel flow between the float bowl and the throat thereby avoiding the need to use up the fuel in the float bowl, as is the case with the prior art. As previously explained, Poehlman requires that the engine has to nearly stall, or at least run less than optimally,

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when it begins to run out of the liquid fuel in the fuel bowl enough that the vacuum drops enough to close the vacuum switch and energize the solenoid coils for the switch over. The present invention overcomes this drawback with an immediate switch over that is independent of the fuel in the fuel bowl because it cuts it off between the fuel bowl and the carburetor throat.

Second, the liquid fuel control valve 43 in Poehlman referenced by the examiner as the claimed "liquid fuel cut-off" is not *attached to* the carburetor 15, as called for in claims 19 and 48. Poehlman discloses "a liquid fuel control valve 43 which is incorporated in the liquid fuel supply line 19." *Poehlman*, col. 3, lns. 64-66. Accordingly, the liquid fuel control valve 43 is located upstream from the carburetor 15, *see id.* at FIG. 1, but it is not attached to the carburetor as called for in claims 19 and 48. For purposes of clarifying this clear distinction, Appellant notes that the Specification of the present application discloses an embodiment where "fuel shutoff 110 *couples to* carburetor 62 to regulate liquid fuel flow." *Specification*, ¶ [0071] (emphasis added). Since Poehlman's liquid fuel control valve 43 is located along the liquid fuel supply line 19 upstream from the carburetor 15, the Examiner's asserted "fuel shutoff (43)" is not attached to the carburetor, and thereby, cannot benefit from the aforementioned advantages of the present invention, but will result in some adverse operating characteristics when running down the fuel in the fuel bowl and lowering the operating vacuum of the engine in order to switch over.

Even *assuming* arguendo that the liquid fuel control valve 43 in Poehlman can be construed as being attached to the carburetor 15 (which it is not), the liquid fuel control valve 43 does not close a fuel passage in the carburetor *that extends from the float bowl to the throat*, as called for in claims 19 and 48. That is, the fuel control valve 43 is clearly not positioned relative to carburetor 15 so as to enable the valve 43 to close a fuel passage in the carburetor that extends from the float bowl 17 to the throat 107, as the valve 43 is instead is located along the liquid fuel supply line 19 *upstream from the carburetor 15*. The liquid fuel control valve 43 is not positioned to close a fuel passage that extends from the float bowl 17 to the throat 107 in the carburetor 15, as called for in claims 19 and 48.

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Were the liquid fuel control valve 43 incorporated into the system of Sugimoto to modify the system thereof, the resulting system would only include an additional liquid fuel control valve 43 (in addition to fuel cutoff valve 63) that is positioned upstream from a carburetor included in the engine generator 1 of Sugimoto. However, neither the fuel control valve 43 and/or fuel cutoff valve 63 that would be included in the modified engine generator 1 of Sugimoto would be attach to the carburetor to close a fuel passage extending from the float bowl to the throat (within the carburetor) upon actuation of a switch from liquid fuel to gaseous fuel. Accordingly, the combination would fail to teach what is called for in claims 19 and 48.

In light of at least the above, the Examiner has not established a prima facie case of obviousness under 35 U.S.C. §103(a) with respect to claims 19 and 48. The combination of Sugimoto and Poehlman fails to teach the specifically claimed elements in claims 19 and 48 at least for the reason that the cited references do not teach a fuel shutoff attached to the carburetor to close a fuel passage that extends from a float bowl to a throat in the carburetor upon selection of engine operation to gaseous fuel. Sugimoto and Poehlman, and any resulting combination thereof, does not teach or suggest that which is called for in claims 19 and 48. Appellant therefore respectfully requests reversal of the rejection of claims 19 and 48 under 35 U.S.C. §103, along with the rejection of all claims depending therefrom.

Rejection under 35 U.S.C. §103 as being unpatentable over Poehlman and Tsuda

Claim 1

The Examiner rejected claim 1 under 35 U.S.C. §103 as being unpatentable over Poehlman and in view of Tsuda et al. (USP 5,809,979).

Claim 1 calls for, in part, a dual fuel engine including a switch to change operation of an engine between gaseous fuel and liquid fuel, a carburetor attached to an intake of the engine, a liquid fuel valve positioned along a liquid fuel line coupling the liquid fuel source to the carburetor, a gaseous fuel valve positioned along a gaseous fuel line coupling the gaseous fuel source to the carburetor, and a liquid fuel cut-off incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid fuel to gaseous fuel.

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Introduction

In rejecting claim 1, the Examiner asserted that Poehlman discloses a dual fuel engine that includes "an engine (13)," "a switch (51) to change operation of the engine between gaseous fuel and liquid fuel," "a carburetor (15)," "a liquid fuel cut-off (41)," "a liquid fuel valve (43)," and "a gaseous fuel valve (45)." *Final Office Action*, supra at 3. The Examiner admitted that "Poehlman is silent to the liquid fuel cut-off is incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid fuel to gaseous fuel," *id.* (emphasis in original), and thus relied on Tsuda as teaching this limitation – stating that "Tsuda et al. teaches to the liquid fuel cut-off (14) is incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid fuel to gaseous fuel." *Id.* (emphasis in original). The Examiner concluded that "it would have been obvious to one having ordinary skill in the art… to incorporate the valve into the carburetor as taught by Tsuda et al., since it has been held that rearranging parts of an invention involves only routine skill in the art." *Id.* at 4.

Appellant respectfully disagrees with the rejection and believes claim 1 to be patentably distinct from that which is disclosed in Poehlman and Tsuda. As set forth in MPEP §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP §2142. "With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." *Id.* (emphasis in original). As will be set forth in detail here below, the combination of Poehlman and Tsuda does not teach or suggest the claimed invention, nor would one skilled in the art be motivated to combine the references in the manner done so by the Examiner. Accordingly, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claim 1.

Cited Prior Art – Poehlman & Tsuda

As described above, Poehlman discloses an "engine [that] includes a carburetor 15 incorporating a float bowl 17 which is connected through a supply line 19 with a

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source 21 of liquid fuel, such as, for instance, gasoline." *Poehlman*, col. 3, lns. 27-31. The engine 13 "includes control means 41 for selective change-over between use of liquid fuel and gaseous fuel. In this regard, the control means 41 includes a liquid fuel control valve 43 which is incorporated in the liquid fuel supply line 19." *Id.* at col. 3, lns. 62-66. The "control means 41 includes a vacuum control switch 47" and "a primary or fuel selector switch 51." *Id.* at col. 4, lns. 10-17. Regarding fuel changeover, Poehlman further discloses that "[i]In operation, when switching from liquid fuel to gaseous fuel, the operator moves the fuel selector switch 51 to the gaseous fuel position" and that "[a]s a result, the liquid fuel control valve 43 is consequently deenergized and turns off the liquid fuel supply to the carburetor 15… [h]owever, the engine continues to run on the liquid fuel in the carburetor bowl 17." *Id.* at col. 6, lns. 21-38. "The inlet manifold vacuum remains above the predetermined level of the vacuum switch 47 at idle or normal road speeds until the engine begins to run out of the liquid fuel in the fuel bowl 17" and "[t]he vacuum then drops to an amount less than or below the predetermined level thereby closing the vacuum switch 47 which energizes the solenoid coils 81 and 83." *Id.* at col. 6, lns. 21-38. "

Tsuda discloses a carburetor 1 having a mixing body 2 in which a venturi passage 3 is provided. *Tsuda*, col. 2, lns. 40-41: FIG. 1. A float chamber 4 is arranged in the mixing body 2 and a liquid fuel nozzle 5 is communicated with the float chamber 4. *Id.* at col. 2, lns. 41-43. A liquid fuel nozzle outlet 6 is faced to the venturi passage 3. *Id.* at col. 2, lns. 43-44. An upper end of the liquid fuel nozzle 5 projects into the venturi passage 3. *Tsuda*, col. 2, lns. 55-56. An inner bottom portion of the float chamber 4 is provided with a liquid fuel inlet 13, with a liquid fuel valve 14 laterally arranged at a lower portion of the float chamber 4 for opening or closing the liquid fuel inlet 13 of the float chamber 4. *Id.* at col. 2, lns. 61-62.

Failure of Poehlman & Tsuda to teach Claim 1

The Examiner's proposed combination of Poehlman and Tsuda fails to teach that which is called for in claim 1.

Initially, Appellant believes that one skilled in the art would not have been motivated to combine Poehlman and Tsuda in the manner done so by the Examiner in

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order to achieve the claimed invention. "[O]bviousness concerns whether a skilled artisan not only *could have made but would have been motivated to make* the combinations or modifications of prior art to arrive at the claimed invention." *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) (citing *InTouch Technologies, Inc. v. VGO Communications, Inc.*, 751 F.3d 1327, 1352 (Fed. Cir. 2014) (emphasis in original)). The Examiner must make "an explanation-supported finding that the evidence affirmatively provided that the PHOSITA would have sought" the additional feature(s). *See In re Nuvasive*, 842 F.3d 1376, 1384 (Fed. Cir. 2016). Accordingly, to establish a prima facie case, the Examiner must not only show that the combination includes each and every element of the claimed invention, but also provide "a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). In the present case, and as set forth in detail below, the Examiner has failed to provide an explanation-supported finding that a person having ordinary skill in the art would have been motivated to combine the references in the manner done so by the Examiner.

In combining the teachings of Tsuda with Poehlman, the Examiner admitted that "Poehlman is silent to the liquid fuel cut-off [41] is incorporated into the carburetor," but asserted that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the valve into the carburetor, as taught by Tsuda et al., since it has been held that rearranging parts of an invention involves only routine skill in the art." *Final Office Action*, supra at 3-4.

However, with regard to the Examiner's reliance on a "rearrangement of parts" as a basis for the rejection, MPEP 2144.04 specifies that "[t]he mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims [ ] is not by itself sufficient to support a finding of obviousness" and that "[t]he prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." (citing *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984)). In the present case, the Examiner's suggestion to modify the system of Poehlman

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to have the "liquid fuel cut-off 41" incorporated into the carburetor 15 is not a mere rearrangement of parts that would have been obvious to one skilled in the art based on a motivation or reason provided Tsuda, but instead the Examiner has improperly relied on the teaching of the present Specification as the basis for such rearrangement.

As set forth above, the system in Poehlman is directed to a control apparatus 11 for selectively operating an internal combustion engine 13 on a first or gaseous fuel and on a second or liquid fuel. *Poehlman*, Col. 3, lns. 25-27. A control means 41 is provided for a selective change-over between use of liquid fuel and gaseous fuel, with the control means 41 including a liquid fuel control valve 43 which is incorporated in a liquid fuel supply line 19 and a gaseous fuel control valve 45 which is incorporated in the gaseous fuel supply line 25. *Poehlman*, Col. 3, ln. 62 to Col. 4, ln. 6. The control means 41 also includes an electrical fuel selector switch 51 that energizes the liquid fuel control valve 43 when in a liquid fuel position and separately energizes the gaseous fuel control valve 45 when in a gaseous fuel position, as well as a vacuum control switch 47 which is normally closed and which opens in response to the presence at the vacuum switch 47 of an amount of vacuum above a predetermined amount. *Poehlman*, Col. 4, lns. 10-15, 21-30 and Col. 5, lns. 1-6.

In light of the teachings of Poehlman, it would <u>*not*</u> be an obvious "rearrangement of parts" to have what the Examiner identified as "liquid fuel cut-off 41" incorporated into the carburetor 15, as asserted by the Examiner. That is, the "liquid fuel cut-off 41" identified by the Examiner is in fact a control means 41 that includes liquid fuel control valve 43, gaseous fuel control valve 45, vacuum control switch 47, and a fuel selector switch 51. *See Poehlman,* Col. 3, lns. 62-66 and Col. 4, lns. 10-17. The Examiner is thus asserting that one skilled in the art would be motivated to incorporate the control means 41 of Poehlman - which includes liquid fuel control valve 43, gaseous fuel control valve 45, vacuum control switch 47, and fuel selector switch 51 - into the carburetor 15 based on the teaching of Tsuda of a liquid fuel valve 14 included in the carburetor 1 (FIG. 1), in order to achieve the present invention. No motivation for such a modification or "rearrangement of parts" is provided in Poehlman or Tsuda, and the rearrangement of parts, in fact, results in an arrangement not even called for in claim 1 – as claim 1 does

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not call for a gaseous fuel control valve, control switch, or selector switch being incorporated into the carburetor, as would occur if the control means 41 were incorporated into the carburetor 15 in Poehlman..

In fact, logic would lead a skilled artisan to *not* incorporate elements such as a vacuum control switch 47 and/or fuel selector switch 51 (which are part of the control means 41 – i.e., the alleged "liquid fuel cut-off 41") into the carburetor 15. It is more likely than not that the Poehlman inventors intentionally placed the vacuum control switch 47 and/or fuel selector switch 51 at a distance from carburetor 15 to shield the switch contacts from the fuel that flows through carburetor 15. There is thus no motivation to incorporate the vacuum control switch 47 and/or fuel selector switch 51 into the carburetor 15. The Examiner has thus failed to provide any "motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device," as is necessary as a basis for a rejection under a "rearrangement of parts" rationale per MPEP 2144.04.

In light of all the above, one skilled in the art would recognize that it would not be a mere "rearrangement of parts" to modify the system of Poehlman to incorporate the control means 41 into the carburetor 15, as alleged by the Examiner. Rather, such a proposed "rearrangement of parts" would be an entirely unnecessary modification to Poehlman for which – based solely on Poehlman and Tsuda – there would be no "motivation or reason for the worker in the art, without the hindsight benefit of appellant's specification, to make the necessary changes in the reference device," as required under MPEP 2144.04.

Even assuming *arguendo* that one would combine the teachings of Poehlman and Tsuda, the resulting combination would not teach what is called for in claim 1. That is, the resulting combination would not teach each of a liquid fuel valve positioned along a liquid fuel line coupling the liquid fuel source to the carburetor and a liquid fuel cut-off incorporated into the carburetor to interrupt liquid fuel upon actuation of the switch from liquid fuel to gaseous fuel, as called for in claim 1. While the Examiner cited to Poehlman as disclosing a "liquid fuel cut-off (41)" and a "liquid fuel valve (43)," *see Final Office Action*, supra at 3, Poehlman does not disclose two separate liquid fuel

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valves/cut-offs as asserted by the Examiner. The elements "41" and "43" identified by the Examiner are a control means 41 and liquid fuel control valve 43, with the control means 41 described as being "for selective change-over between use of liquid fuel and gaseous fuel" and including liquid fuel control valve 43, gaseous fuel control valve 45, vacuum control switch 47, and a fuel selector switch 51. *Poehlman,* Col. 3, lns. 62-66 and Col. 4, lns. 10-17.

To the extent control means 41 can be said to teach a "liquid fuel cut-off that interrupts liquid fuel" as called for in claim 1, it is the operation of liquid fuel control valve 43 (as part of control means 41) that interrupts liquid fuel. Thus, in the interpretation set forth by the Examiner, the Examiner is citing to liquid fuel control valve 43 as teaching two separate structures – i.e., as a separate liquid fuel control valve 43 that teaches the claimed "liquid fuel valve" and as a liquid fuel control valve that is part of control means 41 that teaches the claimed "liquid fuel cut-off." This is *not* what is called for in claim 1 – as claim 1 distinctly calls for a liquid fuel valve and a liquid fuel cut-off as two separate elements/structures. These elements should not be confused with one another, as the Examiner has attempted to do. Poehlman does not teach such an arrangement, as there are no components disclosed therein that separately define a liquid fuel valve and a liquid fuel cut-off. The Examiner has stretched the teachings of the prior art in an attempt to satisfy the elements called for in claim 1 by asserting that a single structure disclosed in Poehlman (i.e., liquid fuel control valve 43, alone or as part of control means 41) teaches two distinct claims elements. Such a categorization of the liquid fuel control valve 43 (and control means 41) distorts the teachings of Poehlman and ignores the requirement of MPEP §2143(A)(1) that the Examiner must articulate a finding that the prior art include *each element claimed*.

Tsuda fails to address the deficiencies of Poehlman with regard to the failure thereof to teach a liquid fuel valve and a separate liquid fuel cut-off, as the liquid fuel valve 14 in carburetor 1 provides no such teaching of separate valves/cut-offs. *See Tsuda*, FIG. 1. Accordingly, the combination of Poehlman and Tsuda would not teach what is called for in claim 1 regarding each of a liquid fuel valve and a liquid fuel cut-off.

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In light of all the above, the Examiner has failed to supporting a *prima facie* conclusion of obviousness, as with regard to rejections under 35 U.S.C. 103, "the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." It would not be obvious to modify the system of Poehlman in the manner done so by the Examiner in order to achieve the claimed arrangement of claim 1, nor would any combination of Poehlman and Tsuda teach or suggest the claimed invention. Accordingly, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. §103 for claim 1. Appellant thus respectfully requests reversal of the rejection of claim 1, along with the rejection of all claims depending therefrom.

Claim 35

The Examiner rejected claim 35 under 35 U.S.C. §103 as being unpatentable over Poehlman in view of Tsuda et al.

Claim 35 calls for, in part, a carburetor having a fuel shutoff and comprising a carburetor having a float bowl, a throat, and a fuel passage extending from the float bowl to the throat, as well as a fuel shutoff coupled to the carburetor having a first end in the carburetor that actuates to close the fuel passage and a second end external to the carburetor to actuate the first end, wherein the fuel shutoff actuates free from linear motion.

Introduction

In rejecting claim 35, the Examiner asserted that "Poehlman teaches a carburetor (15) having a fuel shutoff (via 51) comprising: a carburetor comprising: a float bowl (17), a throat (where throttle 107 resides), a fuel passage (19) extending from the float bowl to the throat; and a fuel shutoff coupled to the carburetor having a first end in the carburetor that actuates to close the fuel passage and a second end external to the carburetor to actuate the first end (Fig 1 shows valve 43 connected to two end of the fuel passage); and wherein the fuel shutoff actuates free from linear motion (it rotates)." *Final Office Action*, supra at 4-5.

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Appellant respectfully disagrees with the rejection. As set forth in MPEP §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." *MPEP §2142*. "With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." *Id.* (emphasis in original). The examiner has not provided a factual underpinning to meet the minimum standard to satisfy that initial burden. In fact, the examiner has not specified how Tsuda operates nor how it remedies the deficiencies of Poehlman. Accordingly, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claim 35.

Nevertheless, as will be set forth in detail here below, the combination of Poehlman and Tsuda does not teach or suggest the claimed invention.

Failure of Poehlman & Tsuda to teach Claim 35

Appellant initially notes that, despite rejecting claim 35 under 35 U.S.C. §103 as being unpatentable over Poehlman in view of Tsuda et al., the Examiner has not cited or referred to Tsuda in any respect in issuing the rejection. The Examiner's basis for the rejection of claim 35 under 35 U.S.C. §103 as being unpatentable over Poehlman *in view of* Tsuda is thus unclear.

Regardless of the above, there is no teaching in Poehlman (alone or in combination with Tsuda) of a fuel shutoff coupled to the carburetor having a first end in the carburetor that actuates to close a fuel passage extending from the float bowl to the throat and a second end external to the carburetor to actuate the first end, wherein the fuel shutoff actuates free from linear motion as called for in claim 35.

First, and as set forth above with regard to claims 19 and 48, the fuel line 19 in Poehlman identified by the Examiner as the claimed fuel passage that extends from the float bowl 17 to the throat 107, does *not* extend from the float bowl to the throat. FIG. 1 of Poehlman clearly shows that fuel line 19 connects a source 21 of liquid fuel to carburetor 15 – but there is no teaching or suggestion therein of fuel line 19 extending from the float bowl 17 to the throat 107.

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Second, while the Examiner has asserted that valve 43 is coupled to the carburetor 15 and has a first end in the carburetor 15 to close fuel passage 19 and a second end external to the carburetor to actuate the first end, this assertion is not supported by that which is disclosed in Poehlman. FIG. 1 of Poehlman clearly illustrates that valve 43 does not have a first end ***in*** the carburetor 15, and there is no teaching in Poehlman of the valve having second end external that actuates the first end. Valve 43 is located entirely *upstream* from carburetor 15, such that there is no first end ***in*** the carburetor that would actuate to close a fuel passage that extends from the float bowl to the throat in the carburetor. *See Poehlman*, at FIG. 1. Additionally, there is no disclosure in Poehlman that liquid fuel valve includes any second end that actuates a first end, as instead liquid fuel valve 43 is only generally described as a valve that is selectively energized/deenergized to open and close the valve (i.e., a solenoid valve), *see Poehlman*, col. 4, lns. 21-24, without any additional structure being described therein.

Still further, there is no teaching in Poehlman that liquid fuel valve 43 "actuates free from linear motion," as specifically set forth in claim 35. While the Examiner has asserted that liquid fuel valve 43 "rotates" when opening/closing, *see Final Office Action*, supra at 5, the Examiner has provided no support for this conclusory statement, such that the rejection is deficient on its face ("[R]ejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).) In fact, Poehlman is completely silent regarding the manner in which liquid fuel valve 43 actuates – i.e., whether it is rotational or linear motion that opens/closes the valve. Accordingly, the Examiner has failed to meet the burden of factually supporting a *prima facie* conclusion of obviousness.

Tsuda fails to address the deficiencies of Poehlman with regard to teaching or suggesting a fuel shutoff coupled to the carburetor having a first end in the carburetor that actuates to close a fuel passage (extending from the float bowl to the throat) and a second end external to the carburetor to actuate the first end, wherein the fuel shutoff actuates free from linear motion.

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In light of at least the above, the Examiner has failed to supporting a *prima facie* conclusion of obviousness, as with regard to rejections under 35 U.S.C. 103, "the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." The combination of Poehlman and Tsuda does not teach or suggest the claimed invention. Accordingly, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. §103 for claim 35. Appellant thus respectfully requests reversal of the rejection of claim 35, along with the rejection of all claims depending therefrom

Claim 64

The Examiner rejected claim 64 under 35 U.S.C. §103 as being unpatentable over Poehlman in view of Tsuda et al.

Claim 64 calls for, wherein the liquid fuel cut-off is physically attached to an outer surface of the carburetor.

In rejecting claim 64, the Examiner asserted that "Poehlman teaches the liquid fuel cut-off is physically attached to an outer surface of the carburetor (Fig 1 shows the cut off 21 attached via tube 19 to the carburetor)." *Final Office Action*, supra at 5. Appellant respectfully disagrees with the rejection.

First, the "cut off 21" identified by the Examiner is a *fuel source 21*, and one skilled in the art would recognize that a fuel source is not a liquid fuel cut-off. For this reason alone, the rejection is deficient and cannot be sustained.

Second, there is no liquid fuel cut off in Poehlman that is *physically attached to an outer surface of the carburetor*. The liquid fuel control valve 43 in Poehlman identified as the claimed "liquid fuel cut off" is not physically attached to an outer surface of the carburetor 15, but instead is located *upstream* from carburetor 15 on fuel line 19. A fluid coupling of the liquid fuel control valve 43 to the carburetor 15 by the fuel line 19 would ***not*** be understood by one skilled in the art to be a *physical attachment* of the valve 43 to *an outer surface of the carburetor 15.*

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In light of at least the above, claim 64 is patentably distinct from that which is disclosed in Poehlman and Tsuda. Appellant therefore respectfully requests reversal of the rejection of claim 64.

Claim 65

The Examiner rejected claim 65 under 35 U.S.C. §103 as being unpatentable over Poehlman in view of Tsuda et al.

Claim 65 calls for, the fuel shutoff extending through an opening into the float bowl such that the first end actuates in the float bowl to close the fuel passage

In rejecting claim 65, the Examiner asserted that "Poehlman teaches the fuel shutoff extends through an opening into the float bowl such that the first end actuates in the float bowl to close the fuel passage (via tube 19)." *Final Office Action*, supra at 5. Appellant respectfully disagrees with the rejection, and again believes that this is a gross misinterpretation of both the claim language and that which is disclosed in the cited reference.

First, there are no distinct "first" and "second" ends on liquid fuel control valve 43 that are separately identified/distinguished in Poehlman, as there is simply no structure provided for the valve 43.

Second, there is no fuel shutoff in Poehlman that specifically extends through an opening into the float bowl such that the first end actuates in the float bowl to close the fuel passage. The liquid fuel control valve 43 in Poehlman does not have a first end that actuates in the float bowl 17, but instead is located ***upstream*** from carburetor 15 on fuel line 19. A fluid coupling of the liquid fuel control valve 43 to the carburetor 15 by the fuel line 19 would ***not*** be understood by one skilled in the art to somehow teach or suggest that the valve 43 extends through an opening into the float bowl 17 such that a first end thereof actuates in the float bowl to close the fuel passage.

In light of at least the above, claim 65 is patentably distinct from that which is disclosed in Poehlman and Tsuda. Appellant therefore respectfully requests reversal of the rejection of claim 65.

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Rejection under 35 U.S.C. §103 over Poehlman and Tsuda in view of Sugimoto

Claim 7

The Examiner rejected claim 7 under 35 U.S.C. §103 as being unpatentable over Poehlman in view of Tsuda et al. and Sugimoto.

Claim 7 calls for wherein the liquid fuel cut-off is a solenoid valve that operates within the carburetor to control liquid fuel flow to the engine and is powered by the electrical power generator.

In rejecting claim 7, the Examiner did not address the limitations of the claim individually, but only generally addressed claims 7-10, 56-57, and 60-61 collectively, asserting that "[m]odified Poehlman teaches all of the claimed limitations except for a power generator" and then relying on Sugimoto for teaching a pull-start engine. *See Final Office Action*, supra at 7. As the Examiner has not provided any indication of what portion of Poehlman, Tsuda, and/or Sugimoto is thought to teach each claimed element or address those elements, the present rejection of claim 7 is, on its face, deficient according to MPEP §706, and should be reversed. ("The goal of examination is to clearly articulate any rejection early in the prosecution process so that the Appellant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." *MPEP §706*).

Regardless of the above, none of Poehlman, Tsuda, and/or Sugimoto teaches or suggests a solenoid valve that operates within the carburetor to control liquid fuel flow to the engine and that is powered by an electrical power generator, as called for in claim 7.

Poehlman provides no teaching of a solenoid valve that is powered by an electrical power generator. Instead, Poehlman only discloses that primary switch member 57 is connected to a source 59 of direct current and movable between a first position energizing the liquid fuel terminal 55 (and liquid fuel control valve or solenoid 43) and a second position energizing the gaseous fuel terminal 53 (and gaseous fuel control valve or solenoid 45). *Poehlman*, Col. 5, lns. 1-6. This powering of liquid fuel terminal 55/liquid fuel solenoid 43 and gaseous fuel terminal 53/gaseous fuel solenoid 45 via DC power source 59 does not teach or suggest powering of the liquid fuel solenoid 43

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and gaseous fuel solenoid 45 by an *electrical power generator* (in a pull-start engine), as called for in claim 7.

Tsuda also provides no teaching of a solenoid valve that is powered by an electrical power generator. That is, Tsuda is not disclosed as being a pull-start engine or including any electrical power generator that supplies electrical power, such as to power a liquid cut-off solenoid valve, as called for in claim 7.

Sugimoto also provides no teaching of a solenoid valve that is powered by an electrical power generator. Instead, to the extent that Sugimoto discloses an electrical power generator 40, the generator 40 is only disclosed as "being rotatively driven by the engine 30" and being associated with "a power control unit 41 for controlling the power generated by the generator 40," with "power thus generated [being] supplied to an electric device connected to the output receptacle 13." *Sugimoto*, ¶¶ [0065], [0068], and [0089]. There is no disclosure in Sugimoto that fuel cutoff valve or solenoid 63 is powered by the generator 40, as called for in claim 7.

In light of at least the above, Appellant believes claim 7 be patentably distinct from that which is disclosed in the cited references. As such, Appellant respectfully requests reversal of the rejection of claim 7.

Claim 8

The Examiner rejected claim 8 under 35 U.S.C. §103 as being unpatentable over Poehlman in view of Tsuda et al. and Sugimoto.

Claim 8 calls for wherein the switch selectively powers the solenoid valve by controlling electrical connection between the solenoid valve and the electrical power generator.

In rejecting claim 8, the Examiner did not address the limitations of the claim individually and thus, for similar reasons as set forth above for claim 7, the present rejection of claim 8 is, on its face, deficient according to MPEP §706, and should be reversed.

Regardless of the above, none of Poehlman, Tsuda, and/or Sugimoto teaches or suggests a switch that selectively powers a solenoid valve by controlling an electrical connection between the solenoid valve and the electrical power generator, as called for in

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claim 8. Poehlman only discloses that primary switch member 57 is connected to a source 59 of direct current and movable between a first position energizing the liquid fuel terminal 55 (and liquid fuel control valve or solenoid 43) and a second position energizing the gaseous fuel terminal 53, *Poehlman*, Col. 5, lns. 1-6, but there is no teaching that switch member 57 selectively powers the liquid fuel solenoid 43 and gaseous fuel solenoid 45 by controlling an electrical connection between the solenoid valves and an electrical power generator, as called for in claim 8. Additionally, Tsuda provides no teaching of any electrical power generator (that could be connected to a solenoid valve), and there is no teaching in Sugimoto of generator 40 being selectively connected to fuel cutoff valve/solenoid 63 via a switch – as there is no disclosure in Sugimoto that generator provides power to the solenoid 63.

In light of at least the above, Appellant believes claim 8 be patentably distinct from that which is disclosed in the cited references. As such, Appellant respectfully requests reversal of the rejection of claim 8.

Claim 10

The Examiner rejected claim 10 under 35 U.S.C. §103 as being unpatentable over Poehlman in view of Tsuda et al. and Sugimoto.

Claim 10 calls for wherein a pull-starter drives the electrical power generator to power and close the solenoid valve while starting the engine on gaseous fuel.

Again, the Examiner did not address the limitations of claim 10 individually and thus, for similar reasons as set forth above for claims 7 and 8, the present rejection of claim 10 is, on its face, deficient according to MPEP §706, and should be reversed.

Regardless of the above, none of Poehlman, Tsuda, and/or Sugimoto teaches or suggests a pull-starter that drives the electrical power generator to power and close the solenoid valve while starting the engine on gaseous fuel, as called for in claim 10. The engines in Poehlman and Tsuda do not include a pull-starter, and thus necessarily there can be no disclosure therein of a pull-starter that drives the electrical power generator to power and close the solenoid valve while starting the engine on gaseous fuel. While Sugimoto discloses that the engine 30 is started by operating a recoil starter 46, see *Sugimoto*, ¶[0066], there is no teaching in Sugimoto that recoil starter 46 drives the

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electrical power generator 40 to power and close the fuel cutoff valve/solenoid 63 while starting the engine on gaseous fuel, as called for in claim 10.

In light of at least the above, Appellant believes claim 10 be patentably distinct from that which is disclosed in the cited references. As such, Appellant respectfully requests reversal of the rejection of claim 10.

Rejection under 35 U.S.C. §103 over Poehlman and Tsuda in view of Swanson

Claim 14

The Examiner rejected claim 14 under 35 U.S.C. §103 as being unpatentable over Poehlman and Tsuda et al., and further in view of Swanson.

Claim 14 calls for the liquid fuel cut-off (of claim 1) to comprise a rotating shaft extending through an aperture in the carburetor, a fuel seal around the shaft to seal the aperture, and a blocking member coupled to the shaft in the carburetor that rotates between a blocking and a non-blocking position to selectively block a liquid fuel path to the engine.

In rejecting claim 14, the Examiner admitted that Poehlman and Tsuda are silent to the elements of the liquid fuel cut-off called for in claim 14, but asserted that Swanson discloses "a liquid fuel cut-off (118)" comprising "a rotating shaft (58) extending through an aperture in the carburetor (50)," "a fuel seal (112, 114) around the shaft to seal the aperture," and "a blocking member (56) coupled to the shaft in the carburetor that rotates between a blocking and a non-blocking position to selectively block a liquid fuel path to the engine." *Final Office Action*, supra at 9. Appellant respectfully disagrees with the rejection. Specifically, Appellant believes that the Examiner has mischaracterized that which is disclosed in Swanson in rejecting claim 14.

Swanson discloses, in relevant part, a small engine carburetor with manually controlled choke and throttle valves and associated idle ports and main metering nozzle supplied with fuel from a common metering chamber. *Swanson*, Abstract. The carburetor 50 includes a body 52 having a straight through central venturi passage 54 in which a throttle valve plate 56 (FIGS. 1 and 8) is operably disposed and mounted on a throttle shaft 58. *Swanson*, col. 9, lns. 1-4. The throttle valve is movable from its closed, normal (low) idle position as shown in FIGS. 1 and 8 to a wide open throttle position

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