Remarks

This application has been carefully reviewed in light of the Office Action mailed January 6, 2009. By this amendment Applicants have amended claims 1, and 8-11; canceled claims 7, and 12-20, and added new claims 21-30. No new matter has been introduced by these amendments. Applicants do not admit that these amendments were necessary as a result of any cited art. Applicants respectfully request reconsideration of the above application in view of the following remarks.

Amendment to the Specification

The Examiner notes that the "title of the invention is not descriptive." (*See*, Non-Final Office Action mailed January 6, 2009 (pp. 2, §2). Applicants respectfully disagree with the Examiner's assertion. Applicants have amended the title of the invention only in an effort to advance prosecution.

Claim Rejections - 35 U.S.C. §103

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Logan* (U.S. Patent Publication No. 2006/0263652) in view of *Matsuoka* (International Publication No. WO 2004/055928). Applicants respectfully request reconsideration of this rejection because the proposed combination of *Logan* and *Matsuoka* fails teach, suggest or disclose features of pending claim 1.

The proposed combination of *Logan* and *Matsuoka* fails teach, suggest or disclose in claim 1, "the conditioning device comprising: an outer shell having first and second ends and the outer shell defining a cavity therein for receiving the coolant; and at least one pipe extending through the cavity and between the ends to enclose and to deliver the fluid stream to the fuel cell stack."

The Examiner asserts that:

> The coolant supply subsystem (30) is disposed within (cavity) a housing (outer shell) comprising first and second ends as disclosed by the dotted line in Figure 1. The **dotted housing** comprises a supply pipe (48) and exit pipe (50) for the coolant to be introduced to the fuel cell stack. See figure 1.

(*See*, Non-Final Office Action mailed January 6, 2009, pp. 4, ll. 16-20, emphasis added).

It is not clear as to what the dotted housing is as asserted above by the Examiner. The Examiner appears to assert that the coolant supply subsystem (30) (or the dotted housing) of *Logan* is similar to the presently claimed outer shell. Applicants disagree. At no point does *Logan* teach, suggest, or disclose that the coolant supply subsystem 30 includes an outer shell that defines a cavity for receiving coolant and further includes at least one pipe that extends through the cavity and delivers the fluid stream. Further, at no point does *Logan* teach that the coolant supply subsystem (30) is disposed within a housing.

Matsuoka fails to cure the deficiencies of *Logan*. *Matsuoka* fails to teach, suggest, or disclose the presently claimed outer shell having first and second ends and the outer shell defining a cavity therein for receiving the coolant; and at least one pipe extending through the cavity and between the ends to enclose and to deliver the fluid stream to the fuel cell stack.

For at least this reason, claim 1 is patentable over the proposed combination of *Logan* and *Matsuoka*.

Claims 2-6, 8-11 and 21 depend directly or indirectly from claim 1 and are patentable for the reasons presented above as well as their own patentable limitations.

The proposed combination of *Logan* and *Matsuoka* fails teach, suggest or disclose in claim 22, "an outer shell having first and second ends and the outer shell defining a cavity

therein for receiving the coolant; and at least one pipe for extending through the coolant in the cavity between the ends and for delivering the fluid stream from the conditioning device."

The Examiner asserts that:

> The coolant supply subsystem (30) is disposed within (cavity) a housing (outer shell) comprising first and second ends as disclosed by the dotted line in Figure 1. The **dotted housing** comprises a supply pipe (48) and exit pipe (50) for the coolant to be introduced to the fuel cell stack. See figure 1.

(*See*, Non-Final Office Action mailed January 6, 2009, pp. 4, ll. 16-20, emphasis added).

It is not clear as to what the dotted housing is as asserted above by the Examiner. The Examiner appears to assert that the coolant supply subsystem (30) (or the dotted housing) of *Logan* is similar to the presently claimed outer shell. Applicants disagree. At no point does *Logan* teach, suggest, or disclose that the coolant supply subsystem 30 includes an outer shell that defines a cavity and further includes at least one pipe for extending through the coolant in the cavity between the ends to deliver the fluid stream from the conditioning device. Further, at no point does *Logan* teach that the coolant supply subsystem (30) is disposed within a housing.

Matsuoka fails to cure the deficiencies of *Logan*. *Matsuoka* fails to teach, suggest, or disclose the presently claimed outer shell having first and second ends and the outer shell defining a cavity therein for receiving the coolant; and at least one pipe for extending through the coolant in the cavity between the ends to deliver the fluid stream from the conditioning device.

For at least this reason, claim 22 is patentable over the proposed combination of *Logan* and *Matsuoka*.

Claims 23 - 26 depend directly or indirectly from claim 22 and are patentable for the reasons presented above as well as their own patentable limitations.

The proposed combination of *Logan* and *Matsuoka* fails teach, suggest or disclose in claim 27, "an outer shell having first and second ends and the outer shell defining a cavity therein for receiving the coolant; and at least one pipe extending through the cavity and between the ends for passing the fluid stream through the coolant in the cavity."

The Examiner asserts that:

> The coolant supply subsystem (30) is disposed within (cavity) a housing (outer shell) comprising first and second ends as disclosed by the dotted line in Figure 1. The **dotted housing** comprises a supply pipe (48) and exit pipe (50) for the coolant to be introduced to the fuel cell stack. See figure 1.

(*See*, Non-Final Office Action mailed January 6, 2009, pp. 4, ll. 16-20, emphasis added).

It is not clear as to what the dotted housing is as asserted above by the Examiner. The Examiner appears to assert that the coolant supply subsystem (30) (or the dotted housing) of *Logan* is similar to the presently claimed outer shell. Applicants disagree. At no point does *Logan* teach, suggest, or disclose that the coolant supply subsystem 30 includes an outer shell that defines a cavity for receiving coolant and further includes at least one pipe extending through the cavity between the ends for passing the fluid stream through the coolant in the cavity. Further, at no point does *Logan* teach that the coolant supply subsystem (30) is disposed within a housing.

Matsuoka fails to cure the deficiencies of *Logan*. *Matsuoka* fails to teach, suggest, or disclose the presently claimed an outer shell having first and second ends defining a cavity therein for receiving the coolant; and at least one pipe extending through the cavity and between the ends for passing the fluid stream through the coolant in the cavity.

For at least this reason, claim 27 is patentable over the proposed combination of *Logan* and *Matsuoka*.

Claims 28 - 30 depend directly or indirectly from claim 27 and are patentable for the reasons presented above as well as their own patentable limitations.

Conclusion

Applicants do not acquiesce to the Examiner's characterizations of the art. For brevity and to advance prosecution, Applicants may not have addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by Applicants to any of the Examiner's positions does not constitute a concession to the Examiner's positions. The fact that Applicants' comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. Applicants submit that all of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

For the foregoing reasons, Applicants believe that the Office Action mailed January 6, 2009 has been fully responded to. Consequently, in view of the above amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, for which allowance is respectfully requested.

If the Examiner believes a telephone interview would advance prosecution of the application in any manner, the Examiner is invited to contact Martin J. Sultana, representative of Applicants, at the Examiner's convenience at (248) 358-4400.

The Petition fee of $130.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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Date: 05/06/2009

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