

## **Remarks**

This application has been carefully reviewed in light of the Office Action mailed on June 5, 2014. By this amendment, Applicant has amended claims 1, 22, 32, 34, 37, 41, 43, 45, 46, and 47; canceled claim 27 and added new claim 48. Applicants respectfully request reconsideration of the above application in view of the following remarks.

### **Claim Rejections - 35 U.S.C. §103**

Claims 1, 22, 27, 31 – 35, 38 – 44 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatoh *et al.* (“Hatoh”) (U.S. Patent Publication No. 2006/0251943) in view of Valensa *et al.* (“Valensa”) (U.S. Publication No. 2006/0251943) and further in view of Insalaco *et al.* (“Insalaco”) (U.S. Patent No. 6,082,447).

The proposed combination of Hatoh, Valensa, and Insalaco fails to teach, suggest, or disclose in claim 1 the presently claimed “second pipe being spaced apart from the first pipe and within the outer shell and extending through the cavity to deliver the cathode stream to the fuel cell stack at a second temperature.”

The Office agrees that Hatoh and Valensa fails to disclose the presently claimed outer shell and the outer shell surrounding two pipes as claimed. (*See*, Office Action, pp. 3, ¶2 – 3). The Office relies on Insalaco to cure the deficiencies of the proposed combination of Hatoh and Valensa. Specifically, the Office notes that Insalaco discloses two baffles (*i.e.*, elements 18 and 26, see Figure 1) that “create two or more isolated fluid circuits within a single heat exchanger unit.”

Assuming, *arguendo*, that the baffle 18 of Insalaco is similar to the presently claimed first pipe and that the baffle 26 of Insalaco is similar to the presently claimed second pipe, Insalaco fails to teach, suggest, or disclose that the second pipe (or baffle 26) is spaced apart from the first pipe (or baffle 18) within an outer housing presently claimed. For example, Insalaco discloses

“[t]he baffle 26 is *preferably press-fit or otherwise attached or joined* to the baffle 18 so that the annular portion 30 of the baffle 26 surrounds and contacts the inner annular portion 24 of the baffle 18.” (See, col. 3, ll. 40 – 43, emphasis added). Thus, in view of the foregoing, Insalaco fails to teach, suggest, or disclose that the second pipe is spaced apart from the first pipe within the outer shell as now claimed.

For at least these reasons, claim 1 is patentable over the proposed combination of Hatoh, Valensa, and Insalaco.

Independent claim 22 and new independent claim 48 includes that limitations that are similar to those noted above in connection with claim 1 and is patentable over the proposed combination of Hatoh, Valensa, and Insalaco for similar reasons as noted above.

Claims 36, 37, 45 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatoh in view of Valensa, Insalaco and further in view of Nelson *et al.* (U.S. Publication No. 2002/0177017).

Each of the forgoing claims are patentable over the proposed combination of Hatoh, Valensa, Insalaco, and Nelson due to their dependency on a corresponding independent claim noted above in addition to 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 June 5, 2014 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 \$200.00 pursuant to 37 C.F.R. § 1.17(a) is being charged to our Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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