

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 34

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte VLADIMIRO TEAGNO, PETER M. WELLS, JR.,  
and WASIM KHOKHAR

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Appeal No. 2002-1587  
Application No. 09/102,882

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HEARD: JANUARY 14, 2003

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Before COHEN, ABRAMS, and FRANKFORT, Administrative Patent Judges.  
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the refusal of the examiner to allow claims 18 and 19, as amended (Paper No. 24) subsequent to the final rejection (Paper No. 23). Claims 20 through 22 stand objected to by the examiner, as set forth on page 2 of the answer (Paper No. 28). These claims constitute all of the claims remaining in the application.

Appeal No. 2002-1587  
Application No. 09/102,882

Appellants' invention pertains to a cable tie. A basic understanding of the invention can be derived from a reading of exemplary claim 18, a copy of which appears in the APPENDIX to the main brief (Paper No. 27).

As evidence of obviousness, the examiner has applied the documents listed below:

Martin et al (Martin)	3,102,311	Sep. 3, 1963
Paradis	4,754,529	Jul. 5, 1988

The following rejection is before us for review.

Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of Paradis.

The full text of the examiner's rejection and response to the argument presented by appellants appears in the answer (Paper No. 28), while the complete statement of appellants' argument can be found in the main and reply briefs (Paper Nos. 27 and 30).

Appeal No. 2002-1587  
Application No. 09/102,882

OPINION

In reaching our conclusion on the obviousness issue raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied teachings,<sup>1</sup> and the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the determination which follows.

We do not sustain the obviousness rejection of claims 18 and 19.

Independent claim 18 is drawn to a cable tie comprising, inter alia, an elongate generally planar strap body having a tail, a head, and strap teeth, an elongate strap passageway in

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<sup>1</sup> In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

Appeal No. 2002-1587  
Application No. 09/102,882

said head with a pair of opposed openings for insertion of the tail from either direction, and a deflectable locking element supported by said head and engageable with strap teeth upon insertion of the strap into the passageway in either said direction so as to place the locking element and strap teeth in direct non-releasable locking engagement.

Read in light of the underlying disclosure, we comprehend the claimed deflectable locking element as an element that, in either direction of insertion of a strap, places the locking element and strap teeth in direct non-releasable locking engagement, as portrayed in appellants' Figs. 6A through 6D.

On the other hand, somewhat akin to the showing in appellants' Fig. 10, the Martin patent (Figures 1 and 5) addresses a reversible bundling or tie strap for looping about linear articles, with rigid teeth 36 and a flexible pawl-like member 38 constituting a means for locking end portions of the tie strap in looped relation (column 1, lines 10 through 13 and column 2, lines 67 through 72). The pawl-like member is indicated by the patentee to hold the strap taut and prevent reverse

Appeal No. 2002-1587  
Application No. 09/102,882

movement of the strap (column 3, lines 17 through 19 and lines 33 through 37).

We, of course, fully comprehend the examiner's viewpoint as to the teaching of the patent to Martin relative to the cable tie defined in claim 18. However, in our opinion, the flexible pawl-like member of the Martin reference cannot fairly be considered to denote a deflectable locking element that upon insertion of the strap into the passageway in either said direction places the locking element and strap teeth in direct non-releasable locking engagement, as now claimed. As a concluding point, we simply note that the Paradis patent does not overcome the deficiency of the Martin reference. For the above reasons, we cannot support the rejection on appeal.

In summary, this panel of the board has not sustained the obviousness rejection before us.

Appeal No. 2002-1587  
Application No. 09/102,882

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
NEAL E. ABRAMS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
CHARLES E. FRANKFORT	)	
Administrative Patent Judge	)	

Appeal No. 2002-1587  
Application No. 09/102,882

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