

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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOMISABURO YAMAGUCHI
and
ASAKAWA TETSUYA

Appeal No. 2003-1192
Application No. 09/660,888

ON BRIEF

Before OWENS, WALTZ, and TIMM, *Administrative Patent Judges*.
TIMM, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants have filed appeals in two related applications, this application and Application No. 09/660,907 (Appeal No. 2003-1191). We have jurisdiction over both appeals pursuant to 35 U.S.C. § 134 and we will decide them concurrently in separate opinions. The issues in each appeal are much the same. We will refer to the opinion in Appeal No. 2003-1192 for a more detailed discussion of those issues of interest here that are treated therein. The appeal herein involves claims 1-11 and 13-21 which are all the claims pending in this application.

INTRODUCTION

The claims in this and the related application are each directed to a receptacle connector. In the related application on appeal, Appellants claim the combination of the insulative housing of the connector with an overlying metal shell member. In the instant application, the claims further limit the connector to one with a retainer shield in addition to the insulative housing and metal shell member.

Claim 17 is illustrative of the subject matter on appeal:

17. A receptacle connector for providing electrical connection between an opposing plug connector with a circuit board, the opposing connector having an insertion end for mating with the receptacle of said connector, comprising:

an insulative housing, the connector housing supporting a plurality of conductive terminals, the connector housing having distinct top and bottom wall portions defining an interior receptacle in which said terminals are supported, the receptacle being sized to receive said plug connector insertion end when said plug connector is mated to said receptacle connector, the housing not having any sidewalls interconnecting the top and bottom wall portions together;

a retainer shield for shielding a portion of said connector housing and for engaging a plurality of exterior surfaces of said plug connector insertion end, the retainer shield including a body portion that is bent to overlie at least three distinct sides of said connector housing, said retainer shield further including at least two retention members formed therewith and projecting into said connector housing interior receptacle, said two retention members being oriented in distinct vertical horizontal planes so as to exert a retaining force from two different directions on two different surfaces of said plug connector insertion end when inserted into said receptacle, and

a metal shell extending partially over the retainer shield, the retainer shield being retained in its place upon the housing by the metal shell.

The Examiner maintains rejections under 35 U.S.C. § 103(a) and, additionally, maintains a rejection under the judicially created doctrine of obviousness-type double patenting. As evidence in support of these rejections, the Examiner relies upon the following prior art references as well as the claims on appeal in the other application:

Matsunuma et al. (Matsunuma)	5,993,258	Nov. 30, 1999
Futatsugi et al. (Futatsugi)	6,077,120	June 20, 2000
Wu et al. (Wu)	6,086,421	July 11, 2000
Wang	6,095,869	Aug. 1, 2000

All the claims stand rejected under 35 U.S.C. § 103(a). Claims 1-11, 13, 14, and 21 stand rejected as being unpatentable over Wu in view of Futatsugi and further in view of Wang. Claims 17, 18, and 20 stand rejected as being unpatentable over Futatsugi in view of Matsunuma and Wang. Claim 19 stands rejected as being unpatentable over Futatsugi, Matsunuma, and Wang and further in view of Wu.

Claims 1-11 and 13-21 are additionally provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 09/660,907 in view of Futatsugi.

We reverse with respect to the rejections under 35 U.S.C. § 103(a), but affirm with respect to the provisional obviousness-type double patenting rejection. Our reasons follow.

OPINION

Obviousness

Just as in Appeal No. 2003-1191, all the claims herein require the absence of sidewalls in the insulative housing. The Examiner acknowledges that neither of the primary references, Wu or Futatsugi, describe an insulative housing without sidewalls. We note that Futatsugi, like Wu, is directed to a shielded connector. Just as in the other appeal, the Examiner relies upon a finding that “Wang discloses a connector housing (20) not having any sidewall members to reduce the manufacture cost” and concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to form a housing without sidewalls as taught by Wang to reduce the manufacturing cost (Answer, p. 6 and p. 7). We conclude that the Examiner has failed to meet his burden in establishing a *prima facie* case of obviousness for the reasons we discussed in the opinion in Appeal No. 2003-1191.

A discussion of the other applied references is not required as they were not relied upon in a matter that cures the deficiencies of the rejections. We conclude that the Examiner has failed to establish a *prima facie* case of obviousness with respect to the subject matter of claims 1-11 and 13-21.

Obviousness-type Double Patenting

As noted by the Examiner, Appellants do not contest the rejection under the judicially created doctrine of obviousness-type double patenting (Answer, p. 9). We, therefore, summarily affirm with respect to this rejection.

CONCLUSION

To summarize, the decision of the Examiner to reject claims 1-11 and 13-21 under 35 U.S.C. § 103(a) is reversed, but the decision of the Examiner to reject claims 1-11 and 13-21 under the judicially created doctrine of obviousness-type double patenting is summarily affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

TERRY J. OWENS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
THOMAS A. WALTZ)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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CATHERINE TIMM)	
Administrative Patent Judge)	

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