

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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIRO MIYACHI, MASAHI SETO, KAZUHIRO SHIMADA,
HIDEO TAMURA, and KENJI WATANABE

Appeal No. 2003-1193
Application No. 09/570,123

ON BRIEF

Before PAK, LIEBERMAN, and KRATZ, *Administrative Patent Judges*.
PAK, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on an appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1 through 18, which are all of the claims pending in the present application.

APPEALED SUBJECT MATTER

Claim 1 is representative of the subject matter on appeal and reads as follows:

Appeal No. 2003-1193
Application No. 09/570,123

1. A connector assembly, comprising:

a multi-part housing for mating with a complementary connecting device, including

a first housing part of a first, resilient plastic material and including a resilient latch portion for latching engagement with the complementary connecting device; and

a second housing part of a second plastic material having less resiliency than said first plastic material and including a cavity for receiving and retaining an operative component of the connector assembly.

PRIOR ART REFERENCES

In support of his rejection, the examiner relies on the following prior art references:

Chihara	5,307,435	Apr. 26, 1994
Kyomasu et al. (Kyomasu)	5,684,903	Nov. 4, 1997

THE REJECTION

Claims 1 through 18 stand rejected under 35 U.S.C. § 103 as unpatentable over the combined disclosures of Chihara and Kyomasu.

OPINION

We have carefully reviewed the claims, specification and prior art, including all of the arguments advanced by both the examiner and appellants in support of their respective positions. This review leads us to conclude that the examiner's Section 103 rejection is not well founded. Accordingly, we will not sustain

Appeal No. 2003-1193
Application No. 09/570,123

the examiner's Section 103 rejection for essentially those reasons expressed in the Brief. We add the following primarily for emphasis.

The examiner finds that Chihara teaches a connector assembly having a main body (11) corresponding to the claimed first housing and a sleeve supporter (13) corresponding to the claimed second housing. See the Answer, pages 3 and 5. According to the examiner (*Id.*), the main body (11) made of a rigid plastic material is more resilient than the sleeve supporter (13) made of a metal, such as stainless steel and Permalloy. The examiner recognizes that the main body (11) does not include the claimed resilient latch and the sleeve supporter (13) is not made of a plastic material having less resiliency than that of the main body made of a plastic material. See the Answer, page 3.

To remedy the above deficiencies in Chihara, the examiner relies on the disclosure of Kyomasu. Kyomasu teaches a connector assembly having a holding section (20) having a latch means (20a, 20b and 20c) corresponding to the claimed first housing having a resilient latch and a case (10) corresponding to the claimed second housing. Kyomasu teaches the advantage of employing a latch means (20a, 20b and 20c) in the holding section (20) to fix a ferrule within the connector assembly, thus suggesting the

Appeal No. 2003-1193
Application No. 09/570,123

desirability of the incorporating of the latch means in the main body of the connector assembly of the type described in Chihara. See Kyomasu, column 8, lines 51-65.

However, we find no suggestion or motivation to construct Chihara's sleeve supporter with a plastic material less resilient than the one used to form the main body of Chihara. As argued by the appellants (Brief, page 3), Chihara employs a metal to construct its sleeve supporter so that its device 17 can be welded thereto. See column 3, line 18. Kyomasu does not teach that its plastic material used to form the case (second housing corresponding to the sleeve supporter) is useful for the welding purpose. See Kyomasu in its entirety. Nor does Kyomasu recognize the importance of constructing the case (second housing) with a plastic material which is less resilient than that used to construct the holding section (first housing). See Kyomasu in its entirety. Kyomasu teaches that the case (second housing) and the holding section (first housing) are made of a liquid crystal polymer and sometimes, the holding section (second housing) may be made of polycarbonate. See column 8, line 66 to column 9, line 2. Kyomasu never indicates that these polymers (plastics) have the claimed resiliency requirements, much less different resiliency requirements.

Appeal No. 2003-1193
Application No. 09/570,123

It follows that the applied prior art references as a whole would not have led one of ordinary skill in the art to construct Chihara's sleeve supporter with a plastic material having less resiliency than that used to construct Chihara's main body, with a reasonable expectation of successfully using such plastic material for the welding purpose. To utilize such plastic material to construct Chihara's sleeve supporter would destroy the invention on which Chihara is based. *Ex parte Hartmann*, 186 USPQ 366, 367 (Bd. App. 1974).

Appeal No. 2003-1193
Application No. 09/570,123

In view of the foregoing, we determine that the examiner has not established a *prima facie* case of obviousness regarding the claimed subject matter within the meaning of 35 U.S.C. § 103. As such, we reverse the examiner's decision rejecting claims 1 through 18 under 35 U.S.C. § 103.

REVERSED

CHUNG K. PAK)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
PAUL LIEBERMAN)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
PETER F. KRATZ)	
Administrative Patent Judge)	

CKP:hh

Appeal No. 2003-1193
Application No. 09/570,123

MOLEX, INC.
2222 WELLINGTON CT.
LISLE, IL 60532