

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte GREGG E. LAUKHUF and MARK E. RAMSEY

Appeal No. 2005-0844
Application No. 10/397,807

ON BRIEF

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

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 19, all of the claims pending in this application.

Appellants' invention relates to a power and communications assembly or module (16) mountable on a worksurface (14), a work center formed by mounting the power and communications apparatus on a worksurface (e.g., Fig. 1), and a method of expanding a bi-directional signal using a power and communications assembly. A copy

of independent claims 1, 8, 15 and 19 can be found in the Appendix attached to appellants' brief.

The prior art references of record relied upon by the examiner in rejecting the claims on appeal are:

McCarthy	5,964,618	Oct. 12, 1999
Farrant	6,211,581	Apr. 3, 2001

Claims 1 through 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCarthy in view of Farrant.

Rather than reiterate the examiner's specific comments regarding the above-noted rejection and the conflicting viewpoints advanced by the examiner and appellants regarding the rejection, we make reference to the examiner's answer (mailed November 12, 2004) for the reasoning in support of the rejection, and to appellants' brief (filed August 27, 2004) and reply brief (filed January 14, 2005) for the arguments thereagainst.

As a preliminary matter, we note appellants' indication on page 5 of their brief that "Claims 1-19 stand or fall together." Thus, in the following discussion only

independent claim 1 will be specifically treated. Per appellants' grouping, claims 2 through 19 will stand or fall with our determination concerning the patentability of claim 1.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we have made the determination that the examiner's above-noted rejection of claims 1 through 19 under 35 U.S.C. § 103(a) will be sustained. Our reasons follow.

According to the examiner, McCarthy discloses the invention substantially as claimed including a worksurface (36, 46) and a power and communications assembly (2) mounted to the worksurface. The assembly is said to include a housing (4) with a lower housing having a clamp receiving interface and a bottom access opening (through which electrical power cord (6) extends), an electrical power receptacle (12), a clamping receiving interface (e.g., 22 or 50, 52), and an electronic circuit within the housing. The examiner acknowledges that McCarthy does not disclose that the circuit in the above-

noted power and communications assembly is a particular circuit, such as a USB hub, that is configured to split, produce or redirect a bi-directional signal.

To account for this difference, the examiner points to Farrant urging that this patent teaches the combination of a power receptacle with a USB hub that is configured to split, produce or redirect a bi-directional signal. Based on the combined teachings of McCarthy and Farrant, the examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of appellants' invention "to incorporate a USB hub into the assembly of McCarthy to update the computer connections and eliminate the need for a separate USB hub, reducing the number of items on the worksurface" (answer, page 3).

Appellants do not challenge the combination as posited by the examiner, but urge instead that the combination does not result in an assembly having "a lower housing having a clamp receiving interface and a bottom access opening" (emphasis in original, brief, page 7). More particularly, appellants contend that "[c]ontrary to the Examiner's declaration that McCarthy has a bottom access opening through which electrical cord 6 extends, the disclosure indicates that compartment 60 is open at the rear, [and that] as such there is no bottom access opening" (brief, page 8).

After carefully assessing the embodiment seen in Figures 5 and 6 of McCarthy, we agree with the examiner that the electrical cord (6) seen therein passes through an opening or notch formed in the lower wall (64) of the housing which also defines the bottom wall of recessed compartment (60). The portion of the specification of McCarthy bridging columns 5 and 6 describes the recessed compartment (60) in the following manner:

Fig. 6 further illustrates a recessed compartment, designated by reference numeral 60, defined at the rear end of the housing 4. The compartment 60 is defined between upper and lower walls 62 and 64 of the housing 4, and a recessed rear wall of the housing designated by reference numeral 66. The compartment 60 provides a space in which the coupling element 10 of the electrical cord 6 can be connected to the housing 4 without physically interfering with other nearby structure. The compartment 60, as illustrated by Fig. 6, is opened at the rear, but can be sealed as, for example, when the unit 2 is mounted to a wall or panel, as illustrated by Fig. 2.

Given the showing in Figure 6, and by describing the compartment (60) as “recessed” and as being “defined between upper and lower walls 62 and 64 of the housing” (emphasis added), and as being open at the back, but being capable of being sealed when the unit (2) is mounted to a wall or panel, as illustrated in Figure 2, it is clear to us that the lower housing wall (64) in McCarthy extends to the back edge of compartment (60) that is remote from wall (66) and provides a bottom wall for the recessed, sealable compartment. Thus, of necessity, an opening or cord notch must be present in the lower wall (64) to allow placement or passage of the electrical cord (6) in

the manner illustrated in Figure 6 of McCarthy, even though no such opening or cord notch is expressly described. In this obviousness assessment, we have presumed skill on the part of the artisan, rather than the lack thereof. See In re Sovish, 769 F.2d 738, 743, 226 USPQ 771, 774 (Fed. Cir. 1985).

Having found appellants' arguments in the brief and reply brief concerning the deficiencies of McCarthy as modified by Farrant to be unpersuasive, we will sustain the examiner's rejection of claim 1 under 35 U.S.C. § 103(a).¹

Given appellants' grouping of the claims (brief, page 5), and the fact that each of the independent claims on appeal includes the same argued limitation regarding "a lower housing having bottom access opening," it follows from the foregoing that claims 2

¹We also observe that, notwithstanding appellants' assertions in the brief and reply brief of an advantage of the invention being associated with routing of wiring through the bottom of the housing and not the back of the housing, or through the bottom of the housing and then through the worksurface, we find no disclosure in the present application concerning any such use of the structure therein or any such advantage to be derived therefrom. According to the specification (page 4, line 23 through page 5, line 2), the grommet mount hole (44) in the lower housing member (28) provides for an "alternative mounting method" of the power/communication module (16) to worksurface (14) by allowing clamping through the grommet mount hole (44). There is simply no disclosure of routing wiring through the bottom of the housing as appellants now contend.

through 19 will fall with claim 1, and that the examiner's rejection of those claims under 35 U.S.C. § 103(a) is likewise sustained.

In accordance with the above-noted determinations, the decision of the examiner rejecting claims 1 through 19 under 35 U.S.C. § 103(a) as being unpatentable over McCarthy in view of Farrant is affirmed.

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

AFFIRMED

IRWIN CHARLES COHEN
Administrative Patent Judge

CHARLES E. FRANKFORT
Administrative Patent Judge

JOSEPH L. DIXON
Administrative Patent Judge

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