

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 CYLE D. PETERSEN

Appeal 2006-2599
Application 10/199,986
Technology Center 2800

Decided: February 27, 2007

Before JAMES D. THOMAS, KENNETH W. HAIRSTON, and
ALLEN R. MACDONALD, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134, Appellant has appealed to the Board from the Examiner's Final Rejection of claims 1 through 18.

Representative independent claim 1 is reproduced below:

1. A telecommunications connector comprising:

a connector body; and

a housing that mounts over the connector body, the housing including a front end and a rear end, the housing also including structure for providing a snap-fit within a mounting opening defined by a piece of telecommunications equipment, the structure including first and second cantilevers, each of the first and second cantilevers having first and second snap-fit elements positioned thereon, the first and second snap-fit elements permitting insertion of the housing into the mounting opening from both a forward direction and a rearward direction to allow the housing to be snap fit within the mounting opening.

The following references are relied on by the Examiner:

Lucius	US 3,989,343	Nov. 2, 1976
Yuzawa	US 6,352,444 B1	Mar. 5, 2002

Claims 1 through 18 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Yuzawa in view of Lucius.

Rather than repeat the positions of the Appellant and the Examiner, reference is made to the Brief and Reply Brief for Appellant's positions, and to the Answer for the Examiner's positions.

OPINION

We affirm.

At the outset, we note that Appellant presents arguments in the Brief and Reply Brief only as to independent claims 1, 7 and 14 on appeal, and

appears to duplicate these arguments among these independent claims. No arguments are presented as to any dependent claim on appeal.

Even through we affirm the rejection of the claims on appeal, we do not do so for any rationale of the Examiner based upon mere duplication of parts. This portion of the Examiner's reasoning, such as at page 4 of the answer, appears to brute force argue that it would have been obvious for the artisan to have duplicated the single cantilever 22 in his various figures of Yuzawa based upon a reasoning that indicates the mere duplication of essential working parts of a device involves only routine skill in the art. The Examiner appears to base this reasoning upon a consideration of Yuzawa alone. Mere duplication of parts is an older per se rule of unpatentability that is highly disfavored in recent case law since it basically eliminates a need for fact specific analysis of claims and the prior art. See e.g. *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995).

Independently of any per se rule of unpatentability, the Examiner's rationale expressed at page 4 of the answer "in order to have more security between the connector and the mounting opening" appears to be presumptuous and not based upon any teachings or suggestions within Yuzawa alone. From our review of this reference there appears to be no apparent basis for the artisan to have duplicated this reference's cantilever element 22.

On the other hand, we do sustain the rejection of all claims on appeal based upon the additional teachings and suggestions of Lucius as best expressed by the Examiner's rationale at page 7 of the Answer for:

providing another latching arm (22) on an opposite side of the Yuzawa's connector or the connector with two latching arms on

opposite sides can be inserted to any mounting opening (for example, a panel with a mounting opening only not necessary to insert into the connector housing as shown in Yuzawa), this would provide more security and more easier to engage/disengage between the connector and the mounting opening.

Notwithstanding the Examiner's rather awkward wording of this rationale, panel 32 and its opening 30 in figures 1 through 3 of Lucius correspond to the Appellant's specification figures 4 and 5 and their panel 120 with corresponding opening 119. Representative independent claim 1 on appeal does not actually require the insertion of a housing into a mounting opening and does not require the housing to be snap-fitted within this opening. Corresponding features as to the mere insertability are found in independent claims 7 and 14 on appeal. Indeed, the mounting opening and the telecommunications equipment of these claims are merely passively recited anyway.

The Examiner's quoted reasoning of combinability is consistent with the teachings and showings in Lucius and such are broadly represented in the Abstract indicating that the contribution of Lucius in the art permits electrical connectors to be mounted within openings of a panel from either side of this panel. This approach expands upon the limited application of the coax plug connector 20 to the housing 70 within Yuzawa alone as reasoned by the quoted portion from page 7 of the Answer.

Additionally, the Examiner's remarks at pages 6 and 7 of the Answer address Appellant's principal position at page 10 of the Brief as to independent claim 1 on appeal that even if properly combined within 35 U.S.C. § 103, the combination of Yuzawa and Lucius does not meet the

subject matter of this claim. The Examiner maintains that Yuzawa teaches only one cantilever but Lucius shows the ability to use more than one, or otherwise duplicate the one in Yuzawa to yield advantageous results as explained earlier. Page 6 of the Answer also brings out the point that combinability of references within 35 U.S.C. § 103 is not based upon a combination of structural elements of them but a combination of teachings among them. Rather than contradicting the teachings of Yuzawa and rendering the combined device inoperable for its intended use, the Examiner's rationale and the teachings of Lucius actually expand upon the usability of the electrical connector arrangement of Yuzawa's coax plug connector 20 enabling it to be flexibly used with a panel arrangement, such as panel arrangement 32 in the figures of Lucius.

In view of the foregoing, we therefore conclude that the artisan would have found adequate motivation to have combined the teachings of Yuzawa and Lucius and that the artisan would also not have found that Yuzawa teaches away from the combination. Appellant's responsive remarks at the bottom of page 2 of the Reply Brief failed to address any teaching value of Lucius and the Examiner's remarks at page 7 of the answer noted earlier in this opinion.

The decision of the Examiner rejection claims 1 through 18 under 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR §1.136(a). See 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

PGC

Merchant & Gould PC
P.O. Box 2903
Minneapolis, MN 55402-0903.