

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* Douglas P. O'Connor

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Appeal 2007-1252  
Application 10/915,714  
Technology Center 2800

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Decided: May 22, 2007

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Before ANITA PELLMAN GROSS, HOWARD B. BLANKENSHIP, and ROBERT E. NAPPI, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 6(b) (2002) of the final rejection of claims 1 through 3 and 5 through 40. For the reasons stated *infra*, we will not sustain the Examiner's rejection of these claims.

## INVENTION

The invention is directed to a coupler housing that protects telecommunications connectors from harsh environmental conditions. See paragraph 0001 of Appellant's Specification. Claim 1 is representative of the invention and reproduced below:

1. An electrical connector assembly, comprising:
  - a connector;
  - a coupler housing having a first end and a second end;
  - a coupler member receiving said connector and secured to said first end of said coupler housing;
  - a sealing member disposed on said coupler member and abutting said first end of said coupler housing;
  - a cord connector secured to said second end of said coupler housing;  
and
  - an electrical cord coupled to said connector through said second end of said coupler housing.

## REFERENCES

The references relied upon by the Examiner are:

Katwala	US 6,390,847 B2	May 21, 2002
Below	US 6,595,791 B2	Jul. 22, 2003
Bernardi	US 6,817,902 B2	Nov. 16, 2004 (filed Aug. 27, 2003)

## REJECTIONS AT ISSUE

Claims 1 through 3 and 13 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bernardi in view of Katwala. The Examiner's rejection is set forth on pages 3 through 4 of the Answer. Claims 5 and 14 through 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernardi in view of Katwala and Below. The Examiner's rejection is set forth on page 4 of the Answer. Claims 6 through 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernardi. The Examiner's rejection is set forth on pages 4 and 5 of the Answer. The Examiner states that claims 19 through 40 are rejected for the same reasons as applied to claims 1 through 18, however, the Examiner provides no indication as to which statute and what prior art is being relied upon to reject claims 19 through 40 (see page 5 of the Answer). Throughout the opinion, we make reference to the Brief and Reply Brief (received Jun. 13, 2006 and Oct. 23, 2006 respectively), and the Answer (mailed Aug. 23, 2006) for the respective details thereof.

## ISSUES

Appellant contends that the Examiner's rejection of Claims 1 through 3 and 5 through 40 under 35 U.S.C. § 103(a) is in error. Appellant asserts that the combination of Bernardi and Katwala does not teach a sealing member disposed on the coupling member and abutting the first end of the coupler housing connected thereto as claimed in independent claims 1, 19, and 34. (Br. 8- 9.)

The Examiner asserts that the rejection is proper. The Examiner, on page 6 of the Answer, finds that Katwala teaches a sealing member (figure 2, un-numbered ring positioned between items 16 and 30), on a circumferential surface

and being compressed between two walls. The Examiner reasons that it would have been obvious to modify Bernardi to include such a sealing member.

Thus, the issue before us is whether it would have been obvious to modify Bernardi to include a sealing member disposed on the coupling member and abutting the first end of the coupler housing connected thereto as claimed in independent claims 1, 19, and 34.

#### FINDINGS OF FACT

Bernardi teaches a plug device for a standard connector. See abstract. The plug device allows a standard connector, such as a RJ45 type connector, to be ruggedized so that it can be used in an industrial environment. (Col. 2, ll. 7-11.) The plug device includes a link part or coupler housing (item 28) which is externally threaded on two ends. The coupler housing receives a plug adapter and plug body (together they form a coupler member) (items 22 and 20). The plug adapter is made up of two parts (items 24 and 26) that receive the connector. The plug body is internally threaded and is attached to the external threads on one end of the coupler housing. See figures 8A and 8B. The other end of the coupler housing receives a packing (item 32) and packing body (item 30). When the packing body is tightened on the coupler housing, the packing clamps the cord. (See figure 8B and col. 4, ll. 36-47.) There are numerous items in the figures of Bernardi which are neither numbered nor described in the Specification, one of which is what appears to be a washer (a type of sealing member) inside of the plug body (item 20), which the coupler housing (item 28) abuts when inserted. (See figures 8A and 8b.)

Katwala teaches an electrical plug with a nameplate secured thereto. See abstract. Katwala teaches an electrical contact retainer body (item 16) within a connector housing (figure 2, items 14, 30 and 32). There are numerous items in

the figures on Katwala which are neither numbered nor described in the Specification, one of which is what appears to be an o-ring (a sealing member) which is shown surrounding the contacts (item 18) of the contact retainer body (item 16). It appears that this o-ring is sealed between contact retainer body item 16 and shroud section (item 32).

#### ANALYSIS

Independent claim 1 recites “a coupler housing having a first end and a second end; a coupler member receiving said connector and secured to said first end of said coupler housing; a sealing member disposed on said coupler member and abutting said first end of said coupler housing.” Thus, the scope of claim 1 includes that the sealing member is “on” the coupler member and “abutting” the first end of the coupler housing. We highlight the terms “on” and “abutting” as they are both used in the claim, and, as such, we consider them to have different meanings. In the context of claim 1, we construe the term “on” to mean “overlay” or on “top of” (see, for example, Appellant’s figure 3, sealing member 81 is on item 41). Similarly, in the context of claim 1, we construe the term “abut” to mean to “come against,” or to “contact” (see, for example, Appellant’s figure 3, sealing member 81 abuts item 21 and raised surface of item 41).

Turning to the Examiner’s rejection of claim 1 based upon Bernardi, the Examiner finds that it would have been obvious to include a sealing member between item 28 and item 20. We concur that a skilled artisan would have found it obvious to put sealing members between the various components to keep out environmental hazards which may interfere with the electrical connection. However, we disagree with the Examiner’s holding that the specific arrangement of elements in claim 1 is made obvious by Bernardi. As discussed *supra*, claim 1 recites that the sealing member be on the coupler member, the item that receives

the connector, and abut the coupler housing. Bernardi teaches that the item that receives the connector, plug body (item 20), is threaded inside of the link part (item 28). Thus, any sealing member between plug body and link part (items 20 and 28) would be in or abutting the plug body (claimed coupler member), and not on the coupler member as claimed. Katwala does not teach a sealing member that could be added to a device similar to that of Bernardi such that the sealing member would be “on” the coupler member and “abut” the coupler housing as claimed in independent claim 1. Accordingly, we will not sustain the Examiner’s rejection of claims 1 through 3 and 13 under 35 U.S.C. § 103 (a) as being unpatentable over Bernardi in view of Katwala.

The Examiner has rejected claims 5 and 14 through 18 under 35 U.S.C. § 103(a) as being unpatentable over Bernardi in view of Katwala and Below. Claims 5 and 14 through 18 all ultimately depend upon independent claim 1. As discussed *supra*, we do not find that the combination of Bernardi and Katwala teaches or suggests the elements recited in claim 1. The Examiner states on page 4 of the Answer that Below teaches a sealing member item 86. Below describes item 86 as a latching mechanism. (See col. 5, ll. 39-59.) While Below does teach several sealing members (see e.g. item 61 in figures 4B, 7, 9, and 10C; item 110 described in col. 6, ll. 22-49; and item 154, of figure 28, described in col. 8, ll. 3-19), we do not find that Below teaches or suggests the sealing member “on” the coupler member and “abutting” the coupler housing as claimed in independent claim 1. Thus, we do not sustain the Examiner’s rejection of claims 5 and 14 through 18 under 35 U.S.C. § 103(a) as being unpatentable over Bernardi in view of Katwala and Below.

The Examiner has rejected claims 6 through 12 under 35 U.S.C. § 103(a) as being unpatentable over Bernardi. Claims 6 through 12 are all ultimately dependent upon independent claim 1. Initially, we note that it appears illogical that the Examiner's rejection of independent claim 1 relies upon Bernardi in view of Katwala, but the rejection of claims 6 through 12, which depend upon claim 1 (and thereby contain all of the limitations of claim 1) does not also rely upon the teachings of Katwala. Nonetheless, similar to our discussion above, we do not find that Bernardi teaches or suggests the limitations of independent claim 1. Thus, for the reasons discussed with respect to claim 1, we do not sustain the Examiner's rejection of claims 6 through 12 under 35 U.S.C. § 103(a) as being unpatentable over Bernardi.

As discussed *supra*, the Examiner has not clearly stated which prior art teachings the Examiner is relying upon to reject claims 19 through 40. Independent claims 19 and 34 contain limitations directed to the sealing member similar to those discussed in claim 1 and further identify that the sealing member is on "an outside surface" of the coupler member. As discussed *supra*, we do not find that Bernardi, the combination of Bernardi in view of Katwala, or the combination of Bernardi in view of Katwala and Below, teaches or suggests the sealing member "on" the coupler member and "abutting" the coupler housing as claimed. Thus, regardless of whether the Examiner intended to reject independent claims 19 and 34 as being unpatentable over Bernardi, the combination of Bernardi in view of Katwala, or the combination of Bernardi in view of Katwala and Below, we do not find that the combination of the references teaches the claimed limitations. Accordingly, we will not sustain the Examiner's rejection of claims 19 through 40.

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## CONCLUSION

We consider the Examiner's rejections of claims 1 through 3 and 5 through 40 under 35 U.S.C. § 103(a) to be in error as we do not find that the combination of the references applied teaches or suggests the limitations in independent claims 1, 19, and 34. Accordingly we will not sustain the Examiner's rejection of claims 1 through 3 and 5 through 40.

## ORDER

For the forgoing reasons, we will not sustain the Examiner's rejections, under 35 U.S.C. § 103. The decision of the Examiner is reversed.

REVERSED

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