

The opinion in support of the decision being entered today  
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* MARK GRAHAM LAWRIE, YANN LE GALLO, PASCAL DE VRIES,  
KLAUS BRUNO WILHELM BLUME, CHARLES BERRY HOPSON,  
HERVE LAURANDEL, SIMON BLAIR DOBSON, and DAMIEN CABANNE

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Appeal 2007-1670  
Application 10/102,565  
Technology Center 3600

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Decided: August 22, 2007

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Before WILLIAM F. PATE, III, LINDA E. HORNER, and ANTON W.  
FETTING, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL

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## STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 of the final rejection of claims 1, 3, 5-12, 16-24, and 31-42, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

## SUMMARY OF DECISION

We AFFIRM-IN-PART.

## THE INVENTION

The Appellants' invention is to a door panel assembly including a window regulator drum housing for use in vehicles. The Appellants' Specification describes that in prior art door panel assemblies, the cable drum is secured to a wet side of a door inner panel and the motor is secured to a dry side of the door inner panel (Specification 1:4-6). The Specification explains that "[a] problem with this design is the importance of aligning the cable drum housing accurately with the motor" (Specification 1:7-8). The Specification further explains, "The sandwiching of the door inner panel between these two components adds a further manufacturing tolerance error" (Specification 1:8-9). As such, the Appellants' invention is directed to a door panel assembly where the mounting feature for the drive assembly (motor) and the mounting feature for the cable drum are located on the same side of the door panel (Specification 1:9-2:3). Claims 1, 10, and 35, reproduced below, are representative of the subject matter on appeal.

1. A door panel assembly including  
a door panel having a dry side and a wet side, a drive mechanism being secured to the door panel via a first mounting feature and a cable drum housing being secured to the door panel via a second mounting feature, the first mounting feature and the second mounting feature being located on the dry side of the door panel, and the second mounting feature being sandwiched between the first mounting feature and the door panel on the dry side.
  
10. A door panel assembly including:  
a door panel having a dry side and a wet side, a drive mechanism being secured to the door panel via a first mounting feature and a cable drum housing being secured to the door panel via a second mounting feature, in which the first mounting feature and the second mounting feature are located on the same side of the door panel, in which an alignment feature of the drive mechanism engages a corresponding feature of the cable drum housing to align the drive mechanism relative to the cable drum housing, and the alignment feature includes fingers on the drive mechanism for engagement with an inner periphery of a housing portion of the cable drum housing.
  
35. A door panel assembly including:  
a door panel having a dry side and a wet side, a drive mechanism being secured to the door panel via a first mounting feature and a cable drum housing being secured to the door panel via a second mounting feature, the first mounting feature and the second mounting



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feature and the door panel on the dry<sup>1</sup> side (claim 1) or on the wet<sup>2</sup> side (claim 16). The issue for independent claim 10 and its dependent claim turns on whether Dobson discloses an alignment feature including fingers on the drive mechanism for engagement with an inner periphery of a housing portion of a cable drum housing. The issue for independent claim 35 and its dependent claims turns on whether Dobson discloses an opening on the door panel shaped to receive the cable drum housing when the cable drum housing is in a first position and shaped to prevent the cable drum housing from passing through the opening when the cable drum housing is in a second position.

#### FINDINGS OF FACT

We find that the following enumerated findings are supported by at least a preponderance of the evidence. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427, 7 USPQ2d 1152, 1156 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Office).

1. Dobson discloses a door panel assembly having a second mounting feature (46) that, when assembled, passes through an opening (50) in the door panel (18) such that no portion of the door panel (18) is located to the right of the second mounting feature (46) (Dobson, p. 2, ¶ 0029, Fig. 2).

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<sup>1</sup> The dry side is the side of the door inner panel which faces the vehicle interior (Specification 1: ¶4).

<sup>2</sup> The wet side is the door cavity side of the door inner panel (Specification 1: ¶4).

2. As such, the second mounting feature (46) is not located between the first mounting feature (48) and the door panel (18).
3. The term “sandwich” has a specific connotation which implies that the sandwiched component is directly between the other two components.
4. The dictionary definition of “sandwich” means “to insert tightly between two other things” (Reply Br. 2).
5. When assembled, Dobson’s first mounting feature (48) of the drive mechanism (20) is located on the dry side (22) of the door panel (18) (Dobson, Fig. 2).
6. As such, Dobson’s door panel assembly, once assembled, does not contain a first mounting feature sandwiched between a second mounting feature and the door panel on the wet side.
7. Dobson discloses, with reference to Figure 5, a drum assembly (24) retained to the door panel (18) by a plurality of fingers (58) (Dobson, p. 2, ¶ 0034, Fig. 5).
8. Dobson discloses that “[t]he fingers 58 are spaced about the opening 50 in the panel 18” (*Id.*).
9. Dobson shows a similar configuration of fingers (58) disposed on door panel (18) in Figure 7 (Dobson, Fig. 7).
10. Dobson discloses, with reference to Figure 5, that “[a]s the male member 46 is inserted through the opening, the fingers 58 flex over the head portion 60 and grip about the neck portion 62” (Dobson, p. 2, ¶ 0034).

11. Once the member (46) has been inserted, the opening (50) is shaped, by virtue of the fingers (58), to prevent the member (46) from passing back through the opening (50) (Dobson, Fig. 5).

12. As such, Dobson discloses an opening shaped to receive the cable drum housing when the cable drum housing is in a first position and shaped to prevent the cable drum housing from passing through the opening when the cable drum housing is in a second position.

#### PRINCIPLES OF LAW

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987).

We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims “their broadest reasonable interpretation consistent with the specification” and “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364, 70 USPQ2d 1827, 1830 (Fed. Cir. 2004). We must be careful not to read a particular embodiment appearing in the written description into the claim if the claim language is broader than the embodiment. See *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004) (“Though understanding the claim language may be aided by the explanations contained in the written description, it is

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important not to import into a claim limitations that are not a part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.”) The challenge is to interpret claims in view of the specification without unnecessarily importing limitations from the specification into the claims. See *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003).

It is the appellants’ burden to precisely define the invention, not the PTO’s. *In re Morris*, 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997). Appellants always have the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

## ANALYSIS

Independent claim 1 recites a door panel assembly including a first mounting feature securing a drive mechanism to a door panel and a second mounting feature securing the cable drum housing to the door panel, “the second mounting feature being sandwiched between the first mounting feature and the door panel on the dry side.” The Examiner found that Dobson discloses a drive mechanism (20) secured to a door panel (18) via a first mounting feature (48) and a cable drum housing (24) secured to the door panel (18) via a second mounting feature (46), where the second mounting feature (46) is “sandwiched” between the

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first mounting feature (48) and the door panel (18) on the dry side (22) of the door panel (Answer 4). We disagree.

Even if one were to accept the Examiner's broad interpretation of "sandwiched between" to mean simply "between" (Answer 5), Dobson does not disclose the second mounting feature (46) between the first mounting feature (48) and the door panel (18), when the door panel is assembled. In the Appellants' invention, the door panel (12) abuts against lugs (22), and the panel (12) and lugs (22) are connected by bolt (34), which extends through threaded fixing holes (18) (Specification 3: ¶24). As such, a portion of the door panel (12) (that portion surrounding the threaded fixing hole (18) that abuts lugs (22)) is located to one side of lugs (22). On the contrary, in Dobson, the second mounting feature (46), when assembled, *passes through* an opening in the door panel (18). As such, the second mounting feature (46) does not abut the door panel (18), but rather passes through opening (50), which is larger than the width of the mounting feature (46). This configuration results in there being no portion of the door panel (18) located to the right of the second mounting feature (46) in Dobson (Finding of Fact 1). As such, the second mounting feature (46) is not located between the first mounting feature (48) and the door panel (18) (Finding of Fact 2).

Further, we disagree with the Examiner's interpretation of "sandwiched between" to mean simply "between." This interpretation essentially reads the term "sandwiched" out of claims 1 and 16 entirely. We agree with the Appellants (Reply Br. 2) that the term "sandwich" has a specific connotation which implies that the sandwiched component is directly between the other two components

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(Finding of Fact 3). Our understanding is supported by the dictionary definition of “sandwich” which means “to insert tightly between two other things” (Finding of Fact 4). As such, under either interpretation, Dobson does not disclose the second mounting feature sandwiched between the first mounting feature and the door panel, as recited in claim 1. The claim rejections of dependent claims 3, 5-9, 11, 31, 32, 39, and 40 rely upon the underlying rejection of independent claim 1, and thus we cannot sustain the Examiner’s rejection of these claims.

Independent claim 16 similarly recites “the first mounting feature being sandwiched between the second mounting feature and the door panel on the wet side.” Dobson’s door panel assembly, once assembled, does not contain a first mounting feature sandwiched between a second mounting feature and the door panel on the wet side (Finding of Fact 6). Rather, when assembled, Dobson’s first mounting feature (48) is located on the dry side (22) of the door panel (18) (Finding of Fact 5). As such, we fail to see how Dobson could disclose the first mounting feature being sandwiched between a second mounting feature and the door panel on the wet side, as recited in claim 16. The claim rejections of dependent claims 17-23, 33, 34, 41, and 42 rely upon the underlying rejection of independent claim 16, and thus we cannot sustain the Examiner’s rejection of these claims. As for the Examiner’s rejection of dependent claim 24 as unpatentable over Dobson, the Examiner has failed to present a prima facie case of obviousness of independent claim 16, from which claim 24 depends. As such, we do not sustain the Examiner’s rejection of claim 24.

Independent claim 10 recites a door panel assembly including an alignment feature, where “the alignment feature includes fingers on the drive mechanism for engagement with an inner periphery of a housing portion of the cable drum housing.” The Examiner points to Figures 5 and 7 of Dobson for a disclosure of the claimed fingers (Answer 4). Dobson discloses, with reference to Figure 5, a drum assembly (24) retained to the door panel (18) by a plurality of fingers (58) (Finding of Fact 7). Dobson discloses that “[t]he fingers 58 are spaced about the opening 50 in the panel 18” (Finding of Fact 8). Dobson shows a similar configuration of fingers (58) disposed on door panel (18) in Figure 7 (Finding of Fact 9). As such, we do not see how Figures 5 and 7 of Dobson support the Examiner’s finding that Dobson discloses “fingers on the drive mechanism,” and thus we cannot sustain the Examiner’s rejection of claim 10. As for the Examiner’s rejection of dependent claim 12 as unpatentable over Dobson, the Examiner has failed to present a prima facie case of obviousness of independent claim 10, from which claim 12 depends. As such, we do not sustain the Examiner’s rejection of claim 12.

Independent claim 35 recites a door panel assembly,

wherein the door panel has an opening for receiving the cable drum housing, the opening shaped to receive the cable drum housing when the cable drum housing is in a first position and shaped to prevent the cable drum housing from passing through the opening when the cable drum housing is in a second position.

The Appellants argue that Dobson does not disclose the claimed “opening” because the shapes of the opening (50) and the second mounting member (45)

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appear to be circular, and the opening (50) will thus always allow passage of member (46) in the opening (50), regardless of the position of the drum assembly (24) (Appeal Br. 7). The Examiner responds that Dobson shows, in Figures 5 and 7, an opening (50) shaped to receive the cable drum housing (24) when the member (46) is not yet mounted to fingers (58), and shaped to prevent the cable drum housing (24) from passing back through the opening (50) once the member (46) is mounted in a fixed position to fingers (58) (Answer 4-5). Claim 35 is written broadly to describe only a first position and a second position. Although Appellants' Figure 3 shows a first position in which the lugs and triangular-shaped openings are not aligned and a second position in which the cable drum housing is rotated so that the lugs and the triangular-shaped openings are aligned, the claim does not further define the claimed "positions" and we decline to read this specific embodiment of the aligned and unaligned positions into the claim.

Dobson discloses, with reference to Figure 5, that "[a]s the male member 46 is inserted through the opening, the fingers 58 flex over the head portion 60 and grip about the neck portion 62" (Finding of Fact 10). Once the member (46) has been inserted, the opening (50) is shaped by virtue of the fingers 58 to prevent the member (46) from passing back through the opening (50) (Finding of Fact 11). As such, we agree with the Examiner's finding that Dobson discloses an opening shaped to receive the cable drum housing when the cable drum housing is in a first position and shaped to prevent the cable drum housing from passing through the opening when the cable drum housing is in a second position, as recited in claim 35 (Finding of Fact 12). The Appellants did not provide any separate arguments

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for patentability of dependent claims 36-38. As such, these claims fall with claim 35. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2006).

### CONCLUSIONS OF LAW

We conclude that the Appellants have shown that the Examiner erred in rejecting claims 1, 3, 5-11, 16-23 and 31-34 as anticipated by Dobson and erred in rejecting claims 12 and 24 as unpatentable over Dobson. We further conclude that the Appellants failed to show that the Examiner erred in rejecting claims 35-38 as anticipated by Dobson.

### DECISION

The decision of the Examiner to reject claims 1, 3, 5-12, 16-24, and 31-34 is sustained and the decision of the Examiner to reject claims 35-38 is not sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2006).

### AFFIRMED-IN-PART

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CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009