

The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL A. WERTHMAN, GARY E. SCHRADER,
PETER A. WALTZ, ALAN BECK
and MICHAEL RZASA

Appeal 2007-3462
Application 11/172,223¹
Technology Center 2800

Decided: August 23, 2007

Before RICHARD TORCZON, SALLY GARDNER LANE, and SALLY C.
MEDLEY, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

DECISION ON APPEAL

1 **A. Statement of the Case**

2 Applicants appeal under 35 U.S.C. § 134 from a final rejection of
3 claims 1-5, 7-9, 12-15, 17 and 19-21. We have jurisdiction under 35 U.S.C.
4 § 6(b).

1 Application for patent filed 29 June 2005. The real party in interest is

1 The prior art relied upon by the Examiner in rejecting the claims on
2 appeal is:

3	Brzozowski	US 4,470,711	Sep. 11, 1984
4	Ballman	US 5,188,542	Feb. 23, 1993
5	Warden	US 5,567,175	Oct. 22, 1996
6	Brady	US 5,786,626	Jul. 28, 1998
7	Black	US 6,412,977	Jul. 2, 2002
8	Stanescu	US 6,784,802	Aug. 31, 2004

9

10 Claims 1, 3-5, 8, 9, 13-15, 17, and 19-21² stand rejected under 35
11 U.S.C. § 103(a) as being unpatentable over Ballman in view of Stanescu and
12 Black (Final Rejection 2 and Answer 3³).

13 Claim 2 stands rejected under 35 U.S.C. § 103(a) as being
14 unpatentable over Ballman, Stanescu, Black and Warden (Final Rejection 3
15 and Answer 5).

16 Claim 7 stands rejected under 35 U.S.C. § 103(a) as being
17 unpatentable over Ballman, Stanescu, Black and Brzozowski (Final
18 Rejection 4 and Answer 5).

19 Claim 12 stands rejected under 35 U.S.C. § 103(a) as being
20 unpatentable over Ballman, Stanescu, Black and Brady (Final Rejection 4
21 and Answer 5).

FCI Americas Technology, Inc.

2 The Examiner withdrew the rejection of claims 6, 10, 11, 16 and 18
(Answer at 9).

3 We refer to the 22 December 2006 Answer.

1 BACKGROUND

2 The invention relates to an electrical connector with a first section that
3 is adapted to connect to a first electrical conductor and a second section
4 adapted to connect to a second electrical conductor. Located on the main
5 section of the connector is a radio frequency identification device adapted to
6 signal a condition of the electrical connector, such as a temperature above a
7 predetermined temperature.

8 **B. Issue**

9 The issue is whether Applicants have shown that the Examiner erred
10 in determining claims 1-5, 7-9, 12-15, 17 and 19-21 to be unpatentable under
11 35 U.S.C. § 103(a) over the prior art.

12 **C. Findings of fact (“FF”)**

13 The record supports the following findings of fact as well as any other
14 findings of fact set forth in this opinion by at least a preponderance of the
15 evidence.

16 1. Applicants’ claims 1-5, 7-9, 12-15, 17 and 19-21 are the subject of
17 this appeal.

18 2. Independent claim 1 is as follows:

19 1. An electrical connector comprising:
20 a connector section comprising a first connection section
21 adapted to connect to a first electrical conductor and a second
22 connection section adapted to connect to a second electrical
23 conductor, wherein the connector section is adapted to electrical[ly]

1 connect the first electrical conductor to the second electrical
2 conductor; and
3 a connector performance indicating section connected to a
4 portion of the connector section, wherein the connector performance
5 indicating section comprises a temperature sensitive indicator adapted
6 to signal occurrence of a temperature of the portion of the connector
7 section above a predetermined temperature, wherein the temperature
8 sensitive indicator comprises a Radio Frequency Identification (RFID)
9 tag.

10 Ballman

11 3. The Examiner found that Ballman describes a connector structure
12 including a temperature sensitive indicator (Final Rejection 2 and Answer
13 3).

14 4. Ballman describes a connector 20 with an over temperature circuit
15 board 52 connected through leads 60, 62 to connector blades 38 and 40
16 (Ballman 3:45-58).

17 5. A light emitting diode (LED) 54 illuminates when an over
18 temperature condition of the connector blades 38 and 40 is sensed by circuit
19 52 (Ballman 4:10-17).

20 6. The Examiner found that the claimed subject matter differs from
21 Ballman in that Ballman does not describe a temperature sensitive RFID tag
22 (Final Rejection 2 and Answer 3).

1 Black

2 7. The Examiner found that Black describes a temperature sensitive
3 RFID tag 102 (Final Rejection 2 and Answer 3).

4 8. The Examiner found that Black describes an RFID tag with a chip
5 section and an antenna section with an EEPROM being capable of being
6 programmed to interrupt the signal transmission as claimed in claim 3
7 (Answer at 8).

8 9. Black describes a system with a RF transponder 200 (Fig. 2) for
9 transmitting unique identification information along with information
10 associated with the temperature of the uniquely identified object, e.g., a tire
11 (Black 6:16-22).

12 10. Although Black describes its electronic system in the context of
13 monitoring the temperature within a tire, the background section of Black
14 describes temperature monitoring systems in general.

15 11. For example, Black describes that:

16 The mechanisms of heat-generation in electronic systems are
17 well known and understood. In essence, any process (e.g., an
18 operating electronic system) which consumes power generates
19 heat. In the case of an electronic circuit, the components of the
20 circuit heat up, which, in turn, heats up anything in contact with
21 them, including the surrounding air (Black 1:58-64).

22
23 12. Black also describes in general that “[t]ransponder or transceiver
24 type identification systems are well known.” (Black 2:21-24).

25 13. Black also describes that monitoring temperature changes such as
26 excessive temperature rises due to over current or over temperature

1 conditions and interrupting other circuit elements in response are known
2 (Black 1:65 to 2:5).

3 Stanescu

4 14. The Examiner found that Stanescu describes using an RFID tag in
5 an electrical connector (Final Rejection 3 and Answer 3).

6 15. Stanescu describes using RFID tags that can be embedded in a
7 plug, or incorporated in the form of a label used for sensing and transmitting
8 information regarding the connectivity of a cable (Stanescu abstract and col.
9 5:52-63).

10 16. The advantages are said to be transponder(s) (tags) that 1) are
11 insensitive to power loss; (2) are adaptable and can easily be interfaced with
12 existing cable management software, and (3) can be easily attached to
13 connectors (Stanescu 4:1-18).

14 Warden

15 17. The Examiner found that Warden describes crimping wires to
16 terminals instead of soldering as shown in Ballman as recited per claim 2
17 (Final Rejection 3-4 and Answer 5).

18 Brzozowski

19 18. The Examiner found that Brzozowski describes temperature
20 indicating plugs using thermocouples as recited per claim 7 (*Id*).

21 19. Brzozowski describes using thermocouples to sense an over
22 temperature occurrence associated with connector plugs (Brzozowski col.
23 3-35).

1 Brady

2 20. The Examiner found that Brady describes using an RFID tag
3 cover 270 and 280 (Fig. 2D) as recited per claim 12 and that using the
4 coating 270 to cover the circuitry would inherently connect the cover to the
5 connector section (Final Rejection 4 and Answer 5 and 9).

6 The Examiner's Reasoning for Combining the References

7 21. With respect to claims 1, 3, 4, 8, 9, 11, 13-15, and 19-21, the
8 Examiner found that one skilled in the art would have known to replace the
9 Ballman visual temperature indicator with the Black RFID tag as further
10 taught by Stanescu, so as to facilitate automated monitoring and enhance
11 adaptability of the device (Final Rejection 2 and Answer 4-5).

12 22. With respect to claim 2, the Examiner found that it would have
13 been obvious to crimp the wire terminals as taught by Warden as opposed to
14 soldering them, as taught by Ballman, since both are well known equivalents
15 for performing the function of connecting and terminating wires (Final
16 Rejection 3 and Answer 5).

17 23. With respect to claims 5 and 17, the Examiner concluded that it
18 would have been obvious to use multiple tags, since it is merely a
19 duplication of parts without patentable significance, citing to *In re Harza*,
20 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960) (Final Rejection 3 and
21 Answer 4-5).

1 24. With respect to claim 7, the Examiner found that it would have
2 been obvious to use thermocouples to sense temperature for a more reliable
3 reading (Final Rejection 2 and Answer 4-5).

4 25. With respect to claim 12, the Examiner found that it would have
5 been obvious to use the Brady RFID tag cover to protect the tag circuitry
6 (*Id.*).

7 *Applicants' Arguments*

8 26. With respect to Group I (claims 1, 8, 9, 15, 20 and 21) Applicants
9 argue⁴ that (Br. 5-13):

10 a) Black is not analogous art, since Black is directed to a sensor for a
11 pneumatic tire;

12 b) Even if Black were analogous art, there is no suggestion in
13 Stanescu to replace the Ballman LED with the Black transponder 200; and

14 c) The Examiner's reason to combine is based on hindsight.

15 27. With respect to Group II (claim 3), Applicants argue that (Br. 13-
16 14) "there is no disclosure in Black of a temperature sensitive electrical
17 section which is adapted to interrupt signal transmission between a chip
18 section and an antenna section when the predetermined temperature is
19 reached."

20 28. With respect to Group III (claims 4, 13 and 14), Applicants
21 argue (Br. 14-16) that the description in Black (7:25-40) does not

4 We refer to the 3 November 2006 "Substitute Appeal Brief."

1 describe a permanent recordation of a temperature event in contrast to
2 the Examiner's findings that it does.

3 29. With respect to Group IV (claims 5 and 17), Applicants
4 argue (Br. 15 and 17) that claims 5 and 17 require multiple tags and
5 that multiple tags allow multiple signals at different frequencies and at
6 different temperatures and is not merely a "duplication of parts" as
7 asserted by the Examiner.

8 30. With respect to Group V (claim 19), Applicants argue that (Br.
9 18) "the features of claim 19 are not disclosed or suggested in the cited art."

10 31. With respect to Group VI (claim 2), Applicants argue (Appeal Br.
11 at 19-20) that the "features of claim 2 are not disclosed or suggested in the
12 cited art."

13 32. With respect to Group VII (claim 7), Applicants acknowledge that
14 Brzozowski describes a thermocouple, but that there is no suggestion to
15 combine Brzozowski with the other cited prior art to arrive at claim 7 (Br.
16 20).

17 33. With respect to Group VIII (claim 12) Applicants argue (Appeal
18 Br. 21) that neither the Brady protective coating 270 nor the Brady
19 protective surrounding 280 are connected to the connector section and cover
20 the RFID tag as recited in claim 12.

21 **D. Principles of Law**

22 A claimed invention is not patentable if the subject matter of the
23 claimed invention would have been obvious to a person having ordinary

1 skill in the art. 35 U.S.C. § 103(a); *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct.
2 1727, 82 USPQ2d 1385 (2007); *Graham v. John Deere Co. of Kansas City*,
3 383 U.S. 1 (1966).

4 Facts relevant to a determination of obviousness include (1) the scope
5 and content of the prior art, (2) any differences between the claimed
6 invention and the prior art, (3) the level of skill in the art and (4) any
7 relevant objective evidence of obviousness or non-obviousness. *KSR*,
8 82 USPQ2d at 1389, *Graham*, 383 U.S. at 17-18.

9 **E. Analysis**

10 *Group I (claims 1, 8, 9, 15⁵, 20 and 21)*

11 Applicants argue that Black is not analogous art, since Black is
12 directed to a temperature sensor for a pneumatic tire and not for a connector
13 (FF 26(a)). We disagree that Black is not analogous art. It is true that Black
14 describes a temperature sensing circuit in communication with a transponder
15 for use in a tire. However, Black is good for all that it teaches. Black, in the
16 background section, describes that one of ordinary skill knew that the
17 mechanisms of heat-generation in electronic systems were well known and
18 understood, and that any process which consumes power generates heat (FF
19 11).

20 Black also describes that monitoring temperature changes such as
21 excessive temperature rises due to over current or over temperature

5 Although Applicants argue claims 15, 20 and 21 each individually, the arguments are the same as the arguments made with respect to claim 1.

1 conditions and interrupting other circuit elements in response were well
2 known (FF 13). Lastly, Black tells us that one of ordinary skill knew that
3 transponder or transceiver type identification systems were known for
4 conveying information associated with an object (FF 12). This described
5 general knowledge that one had at the time of the invention is not limited to
6 monitoring temperature and transmitting information for a particular object.
7 The knowledge applies to monitoring temperature in any device that heats
8 up and for conveying that information through a transponder. One of
9 ordinary skill would understand that the specific embodiments of the Black
10 temperature sensitive RFID tag 200 could be used to monitor the
11 temperature of any object.

12 Art is analogous if it is from the same field of endeavor, regardless of
13 the problem addressed or if the reference reasonably is pertinent to the
14 particular problem with which the inventor is involved. *In re Bigio*, 381
15 F.3d 1320, 1325, 72 USPQ2d 1209, 1212 (Fed. Cir. 2004). Black meets
16 either prong, since Black is (1) from the same field of endeavor – sensing the
17 temperature of an object and communicating that information through an
18 RFID system and (2) directly pertinent to the problem addressed by
19 Applicants – sensing temperature of an object and efficiently and
20 automatically conveying such information through an RFID system.

21 Moreover, in *KSR*, the Supreme Court gave guidance to us, that:

Therefore, claims 15, 20 and 21 stand or fall with claim 1.

1 When a work is available in one field of endeavor, design
2 incentives and other market forces can prompt variations of it,
3 either in the same field or a different one. If a person of
4 ordinary skill can implement a predictable variation, § 103
5 likely bars its patentability. For the same reason, if a technique
6 has been used to improve one device, and a person of ordinary
7 skill in the art would recognize that it would improve similar
8 devices in the same way, using the technique is obvious unless
9 its actual application is beyond his or her skill. *KSR*, at 82
10 USPQ2d 1396.

11

12 Based on this guidance, and in light of the fact that Black describes
13 that the general knowledge of those skilled in the art was not limited to
14 monitoring the temperature of a particular object, Applicants' arguments are
15 not persuasive.

16 Applicants also argue that even if Black were analogous art, there is
17 no suggestion in Stanescu to replace the Ballman LED with the Black
18 transponder 200 (FF 26(b)). The Supreme Court, in *KSR* cautioned against
19 applying the Teaching-Suggestion-Motivation (TSM) test as a rigid rule
20 limiting the obviousness inquiry. *KSR*, 82 USPQ2d at 1396. A flexible
21 approach should be taken. In any event, the Examiner provided a reason for
22 combining the Stanescu, Black and Ballman. Specifically, the Examiner
23 reasoned that it would have been obvious to replace the Ballman visual
24 temperature indicator with the Black RFID tag as further taught by Stanescu,
25 so as to facilitate automated monitoring and enhance adaptability of the
26 device (FF 21). Applicants have demonstrated no error in this rationale.

27 One of ordinary skill in the art knew at the time of the invention that

1 sensing the temperature of a connector, and then visually indicating the
2 result of the temperature to a user was well known (Ballman). Stanescu,
3 which was issued nearly a decade after Ballman, explains the many
4 advantages of using RFID tags to convey information about a connector (FF
5 16). Stanescu does not convey an over temperature occurrence through the
6 transponder, but it does communicate the occurrence of another potential
7 anomaly – loss of connectivity. Despite Applicants’ assertions that Stanescu
8 does not use its RFID tag to identify the actual status or connection of a
9 cable (Reply Br. 3), we find that Stanescu does determine connectivity of a
10 cable connector and conveys that information to a receiver through the
11 attached RFID tag (Stanescu abstract “a system and method for monitoring
12 *connectivity* in a cable system includes radio frequency identification (RFID)
13 transponders on cable ends and RFID sensors at connection points.”; col.
14 3:16-18 “a system *for monitoring pluggable cable connectivity* includes an
15 electronic tag proximate a connector of the pluggable cable; col. 3:37-39
16 “[t]he described embodiment provides a real time way *to identify and*
17 *manage connectivity* in a structured cable system”; and Claim 1 “a system
18 *for monitoring connections between plural mating positions made by a cable*
19 *having a connector at each of two ends*”). (Emphasis added).

20 Case law illustrates that an adaptation of an old idea (here Ballman)
21 using newer technology that is commonly available and understood in the art
22 (here Stanescu and Black) would have been obvious to the skilled artisan.
23 *Leapfrog Enterprises Inc. v. Fisher-Price Inc.*, 485 F.3d 1157, 1162, 82

1 USPQ2d 1687, 1691 (Fed. Cir. 2007).

2 As already discussed above, Black describes a temperature sensing
3 circuit in conjunction with an RF transponder. Thus, all of the parts were
4 well known. Applicants have done no more than arrange old parts for their
5 known and intended purpose. *KSR*, 82 USPQ2d at 1385 (The combination
6 of familiar elements according to known methods is likely to be obvious
7 when it does no more than yield predictable results).

8 Applicants also argue that the Examiner's reason to combine is based
9 on hindsight (FF 26(c)). "[A]ny judgment on obviousness is in a sense
10 necessarily a reconstruction based upon hindsight reasoning, but so long as it
11 takes into account only knowledge which was within the level of ordinary
12 skill at the time the claimed invention was made and does not include
13 knowledge gleaned only from applicant's disclosure, such a reconstruction is
14 proper." *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212
15 (CCPA 1971). Here, the Examiner correctly relied on the knowledge of the
16 art as already discussed above, and therefore the rejections were not based
17 on improper hindsight.

18 *Group II (claim 3)*

19 Claim 3 depends on claim 1 and recites that the RFID tag comprises a
20 chip section and an antenna section. The connector performance indicating
21 section (claim 1) includes a temperature sensitive electrical section coupling
22 the chip section to the antenna section. The temperature sensitive electrical
23 section is adapted to interrupt the signal transmission between the chip

1 section and the antenna section when a predetermined temperature is
2 reached. Applicants argue that there is no disclosure in Black of a
3 temperature sensitive electrical section which is adapted to interrupt signal
4 transmission between a chip section and an antenna section when a
5 predetermined temperature is reached. The Examiner finds that the Black
6 EEPROM is *capable of being programmed* to interrupt the signal
7 transmission between the chip and the antenna section (FF 8).

8 We agree that the portion of Black that the Examiner directs our
9 attention to does not describe the limitation. An EEPROM that is capable of
10 being programmed to interrupt does not mean that the temperature sensitive
11 electrical section is adapted to interrupt. The Examiner is apparently
12 interpreting the limitation that the electrical section is adapted to interrupt to
13 mean anything that can be programmed to interrupt a signal. In essence, the
14 Examiner proposes then to give no meaning to the term “wherein the
15 temperature sensitive electrical section is adapted to interrupt signal
16 transmission between the chip section and the antenna section when the
17 predetermined temperature is reached.”

18 In construing a claim and where at all possible, we make every
19 attempt to give a meaning to every word in the claim—a meaning which
20 would be given by one having ordinary skill in the art based upon the
21 underlying specification. *See Merck & Co., Inc. v. Teva Pharmaceuticals*
22 *USA*, 395 F.3d 1364, 1372, 73 USPQ2d 1641, 1648 (Fed. Cir. 2005) (a
23 claim construction that gives meaning to all the terms of the claim is

1 preferred over one that does not do so).

2 We decline to ignore the wherein clause and therefore cannot sustain
3 the Examiner's rejection of claim 3.

4 Group III (claims 4, 13 and 14⁶)

5 Applicants argue, with respect to claims 4, 13 and 14, that the
6 description in Black that the Examiner directs attention to does not describe
7 a *permanent recordation* of a temperature event (FF 28). Neither claim 13
8 nor claim 14 recite a permanent recordation of a temperature event. Rather
9 claim 13 and similarly claim 14 recite that the temperature sensitive
10 indicator is adapted to modify the response signal to be sent from the RFID
11 tag based upon occurrence of the temperature of the portion above a
12 predetermined temperature. Applicants' argument with respect to why
13 Black does not describe a permanent recordation is not commensurate in
14 scope with the full breadth of claims 13 and 14, and therefore the argument
15 with respect to claim 13 and claim 14 is without merit.

16 Claim 4 recites that the connector performance indicating section is
17 adapted to permanently record the occurrence of the temperature of the
18 portion above the predetermined temperature. Black describes storing
19 temperature for indicating overflow and short-circuit conditions (Black
20 21:17-22) that can be displayed to a user (Black 22:25-35) to indicate if
21 there is a problem. By storing and displaying that an anomaly has occurred,

6 Although Applicants argue claims 4, 13 and 14 each individually, the arguments are the same with respect to each of these claims. Therefore,

1 Black describes permanent recordation of a temperature above a
2 predetermined temperature as recited. Applicants have failed to demonstrate
3 otherwise. The Examiner's rejections of claims 4, 13 and 14 are sustained.

4 Group IV (claims 5 and 17)

5 Claim 5 depends from independent claim 1. Claim 17 depends from
6 independent claim 15. Both recite that the RFID tag comprises multiple
7 tags. The Examiner found that mere duplication of parts is without
8 patentable significance, citing to *In re Harza*, 124 USPQ 378, 380, 274 F.2d
9 669, 671 (CCPA 1960) (FF 23).

10 In response, Applicants argue that claims 5 and 17 require multiple
11 tags that allow multiple signals at different frequencies and at different
12 temperatures and is not merely a duplication of parts as asserted by the
13 Examiner (FF 29). Claims 5 and 17 recite that the RFID tag comprises
14 multiple RFID tags and nothing more. Therefore, Applicants' argument that
15 claims 5 and 17 require allowing multiple signals at different frequencies
16 and temperatures is not commensurate in scope with the breadth of claims 5
17 and 17 and is without merit. Accordingly, the rejections of claims 5 and 17
18 are sustained.

19 Group V (claim 19)

20 Applicants' sole argument with respect to claim 19 is that the features
21 of claim 19 are not disclosed or suggested in the cited art (FF 30). The
22 statement alone is not sufficient to demonstrate error in the Examiner's

claims 4, 13 and 14 stand or fall together.

1 specific findings. The references already discussed are facially consistent
2 with the Examiner's rejection. Accordingly, we sustain the Examiner's
3 rejection of claim 19.

4 Group VI (claim 2)

5 Applicants' sole argument with respect to claim 2 is that the features
6 of claim 2 are not disclosed or suggested in the cited art (FF 31). The
7 Examiner determined that Warden described crimping wires to terminals
8 instead of soldering as shown in Ballman and that crimping and soldering
9 were known equivalents for terminating conductors (FFs 17 and 22).

10 Applicants' argument that the features recited in claim 2 are not disclosed or
11 suggested is conclusory and not meaningful. The statement alone is not
12 sufficient to demonstrate that the Examiner's specific findings with respect
13 to what Warden describes and the conclusions of obviousness are in error.
14 Accordingly, we sustain the Examiner's rejection of claim 19.

15 Group VII (claim 7)

16 Applicants acknowledge that Brzozowski describes a thermocouple,
17 but argues that there is no suggestion to combine Brzozowski with the other
18 cited prior art to arrive at claim 7 (FF 32). One of ordinary skill in the art
19 knew that thermocouples could be used to detect an overheating or over
20 temperature anomaly. The Examiner concluded that using a thermocouple
21 would provide for a more reliable reading. Applicants have not
22 demonstrated error in the reasoning. In any event, and as discussed above in
23 connection with Group I, a strict TSM test is not a requirement for

1 determining obviousness. Applicants have assembled known parts for their
2 known purpose and therefore we sustain the Examiner's rejection of claim 7.

3 Group VIII (claim 12)

4 Claim 12 depends on claim 1 and recites a protective cover connected
5 to the connector section and covering the RFID tag. Brady describes two
6 forms of a protective "covering." Both are shown in Fig. 2D as items 270
7 and 280. Brady describes protective coating 270 as covering the circuit chip
8 surface 215 and the ends of the lead frame 200. Brady further describes that
9 flowing the protective coating around the chip sides 266 assures that the chip
10 surface 215 is fully covered (Brady 6:48-57).

11 The other protective covering shown as 280 is described as
12 surrounding the chip 215 and the lead frame 200. The covering 280 is said
13 to provide packaging media for providing printing information and handling
14 media for the transponder, e.g., to house the transponder (Brady 7:7-19).

15 Applicants argue that neither of the Brady protective coatings is
16 connected to a connector section and covers the RFID tag (FF 33). The
17 Examiner found that using the Brady protective coating to cover circuitry
18 would inherently connect the cover to the connector section due to the form
19 of the Brady cover (FF 20). We cannot sustain the Examiner's rejection.
20 Brady describes a stand alone RFID tag. The RFID tag is coated with a film
21 270 and then surrounded by a protective housing 280. We understand the
22 Examiner to find that the flow coating 270, if put on top of the RFID
23 circuitry of a connector, would inherently connect the coating to the

1 connector section as well as to the circuitry. But that is not what Brady
2 describes, either explicitly or inherently. Brady describes coating and then
3 placing yet another cover or housing over the whole device to form the
4 “tag.” Brady does not contemplate coating the circuit and connecting the
5 circuit through the same coating to some other object.

6 For these reasons, we reverse the Examiner’s rejection with respect to
7 claim 12.

8 **E. Decision**

9 Upon consideration of the record, and for the reasons given, the
10 Examiner’s rejection of claims 1, 3-5, 8, 9, 13-15, 17, and 19-21 under 35
11 U.S.C. § 103(a) as being unpatentable over Ballman in view of Stanescu and
12 Black is affirmed.

13 The Examiner’s rejection of claim 3 under 35 U.S.C. § 103(a) as
14 being unpatentable over Ballman in view of Stanescu and Black is reversed.

15 The Examiner’s rejection of claim 2 under 35 U.S.C. § 103(a) as
16 being unpatentable over Ballman, Stanescu, Black and Warden is affirmed.

17 The Examiner’s rejection of claim 7 under 35 U.S.C. § 103(a) as
18 being unpatentable over Ballman, Stanescu, Black and Brzozowski is
19 affirmed.

20 The Examiner’s rejection of claim 12 under 35 U.S.C. § 103(a) as
21 being unpatentable over Ballman, Stanescu, Black and Brady is reversed.

Appeal 2007-3462
Application 11/172,223

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

AFFIRMED-IN-PART

Appeal 2007-3462
Application 11/172,223

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