

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER J. VITITO

Appeal 2008-3238
Application 10/895,111¹
Technology Center 2600

Decided: November 20, 2008

Before KENNETH W. HAIRSTON, ROBERT E. NAPPI, and
SCOTT R. BOALICK, *Administrative Patent Judges*.

BOALICK, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellant requests rehearing under 37 C.F.R. § 41.52 of our Decision on Appeal entered September 4, 2008 ("Decision") wherein we affirmed the Examiner's final rejection of claims 1-15.

The request for rehearing is denied.

¹ Application filed July 21, 2004. Application 10/895,111 claims the benefit under 35 U.S.C. § 119(e) of provisional application 60/517,862, filed November 7, 2003. The real party in interest is Christopher J. Vitito.

DISCUSSION

Appellant argues that our Decision "misconstrued both the claims of the pending application and the disclosure of Park so as to read Park upon the pending claims." (Req. for Reh'g 2.) Specifically, Appellant argues that "[a] cable connector shroud is not a shroud which covers a cable, but a shroud which actually covers the connectors of the cable" and "element 46 [of Park] is not a cable connector shroud" but rather an "input cable connector."² (Req. for Reh'g 1.)

Appellant's arguments are not persuasive. Claim 1, from which all other appealed claims depend, recites an automobile entertainment system with a "video system including a cable extending therefrom and the cable passes through the first extension arm, wherein the cable includes a cylindrical connector shroud at a distal end thereof, the connector shroud being shaped and dimensioned to pass through the first extension arm."

The plain language of claim 1 requires the recited connector shroud to be: (1) cylindrical; (2) at the distal end of the cable; and (3) dimensioned so as to pass through the first extension arm. Claim 1 imposes no other requirements upon the recited connector shroud. Claim 1 is silent as to whether a connector of the cable is required. Claim 1 also is silent as to whether a connector of the cable must be covered by the recited connector shroud when a connector of the cable is present. We decline Appellant's invitation to import such additional limitations into the claim.

² Park describes element 46 as a "video input cable." (Park paragraphs [0046], [0047], [0049], and [0059].) There is a cylindrical-shaped object at the tip of cable 46 shown in Figures 2-8 and 11-13 of Park. We understand Appellant's argument regarding "element 46" to concern the object at the tip of video input cable 46 rather than video input cable 46 itself.

Appellant does not dispute our interpretation at page 6 of the Decision that a "shroud" is "something that covers, protects, or screens." (Req. for Reh'g 1.) Appellant also does not dispute our finding that the "cylindrical-shaped object pointed out by the Examiner at the tip of cable 46 and shown in Figures 2-8 and 11-13 of Park covers the cable 46." (Decision 6.) Nor does Appellant dispute the "teaching in Park that '[t]he 5-pin DIN cable connector [46] is capable of insertion through the hollow tube [22]' (Park paragraph [0059])." (Decision 6.) Thus, object at the tip of element 46 of Park is: (1) cylindrical; (2) at the distal end of the cable; and (3) dimensioned so as to pass through the first extension arm (tube 22). Consequently, the object at the tip of element 46 of Park meets the requirements of the recited "connector shroud."

Therefore, we discern no error in either our claim interpretation or in our finding that the object at the tip of element 46 of Park meets the recited connector shroud limitation.

Even under Appellant's proffered interpretation, Park discloses a connector shroud that covers the connector of the cable. Cable connectors are located at the distal ends of a cable. As best shown in Figures 2, 11, and 16 of Park, the object at the tip of element 46 flares outwardly. This outward flare teaches that the object at the tip of element 46 covers not only the cable 46 itself, but also any cable connector present at the distal end of the cable 46. Thus, Park discloses a connector shroud as defined by Appellant.

In sum, Appellant has not established error in our claim interpretation or in our findings regarding Park. Accordingly, we decline to modify our Decision.

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CONCLUSION

The request for rehearing is denied.

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

REHEARING DENIED

PL/LT initials:

MAT

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