

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SHELBY A. LYNN, EDWARD L. RYAN III, DONALD R.  
MOWERTON and LORI ANN COOK

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Appeal No. 95-3453  
Application No. 08/125,709<sup>1</sup>

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HEARD: March 8, 1999

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Before PAK, OWENS and KRATZ, Administrative Patent Judges.

PAK, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the examiner's final rejection of claims 1 through 8, which are all of the claims pending in the application.

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<sup>1</sup> Application for patent filed September 23, 1993. According to the appellants, the application is a division of Application No. 07/914,324, filed July 17, 1992, now Patent No. 5,248,196.

Appeal No. 95-3453  
Application No. 08/125,709

Claim 1 is representative of the subject matter on appeal and reads as follows:

1. A method of assembling a storage cabinet, comprising the steps of:

providing an inner wall defining a storage space, the inner wall including a first opening;

positioning an outer wall having a second opening surrounding said inner wall to define an insulation space therebetween;

installing a wiring harness in said insulation space, the wiring harness comprising a pair of electrical plug-in connectors and a plurality of conductors extending therebetween, the installing step comprising inserting one connector into the first opening and the other connector into the second opening,

the above steps being carried out in any order; and injecting a foamed-in-place insulation into said insulation space, said connectors sealing said first opening and said second opening to prevent leakage of the foamed-in-place insulation.

As evidence of obviousness, the examiner relies on the following prior art:

Kochendorfer	4,097,096	Jun. 27,
1978		

Claims 1 through 8 stand rejected under 35 U.S.C. § 103 as unpatentable over the Kochendorfer reference.

We reverse.

The claimed subject matter is directed to a method of assembling a refrigeration storage cabinet. The method involves, inter alia, installing a wiring harness in an insulation space which is formed between an outer wall and an inner wall defining a storage space. See claim 1. The wiring harness is said to include electrical plug-in connectors and a plurality of conductors. See claim 1 in conjunction with page 6 of the specification. The plurality of conductors are individually insulated and are placed within the harness. See claim 1 in conjunction with page 6 of the specification. They are terminated at and extended between at least two plug-in connectors which are located at the openings of the inner and outer walls, respectively. See claim 1 in conjunction with page 6 of the specification. The front of the plug-in connectors houses a plurality of silos for containing metal electrical terminal pins, such as that illustrated in Figure 15 in the application. See claim 1 in conjunction with page 7 of the specification. The rear compartments of the plug-in connectors are designed to allow the plurality of conductors to be inserted within the rear openings of the silos. See

Appeal No. 95-3453  
Application No. 08/125,709

claim 1 in conjunction with page 7 of the specification. Upon injecting a foam-in-place insulation into the insulation space, the plug-in connectors seal the openings of the inner and outer walls thereof to prevent leakage of the foamed-in-place insulation. See claim 1.

Appeal No. 95-3453  
Application No. 08/125,709

Under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993); In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met does the burden of coming forward with evidence or argument shift to appellants to demonstrate unobviousness. Id. If the examiner fails to establish a prima facie case, the examiner's rejection based on obviousness is improper and will be overturned. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

In the present case, the examiner has failed to convince us that appellants' claimed method would have been prima facie obvious to one of ordinary skill in the art from the teachings of the Kochendorfer reference. As appellants point out in their Brief (page 3), Kochendorfer does not describe the claimed plurality of conductors (plural wires for a plurality of silos in the plug-in connectors), electrical plug-in connectors and locations of the plug-in connectors. The examiner has not proffered any evidence, much less explanation, why one of ordinary skill in the art would have

Appeal No. 95-3453  
Application No. 08/125,709

been led to employ such features in the specific heating device of the type described in the Kochendorfer reference.

The examiner, for instance, appears to take the position that "the linking of grommet 40" as shown in Figure 4 constitutes the claimed electrical plug-in connectors. However, the examiner has not demonstrated why "the linking of grommet 40" constitutes the electrical plug-in connectors of the type described and claimed in appellants' application, especially when "the linking of grommet 40" in Figure 4 is viewed together with Figure 1 in Kochendorfer. Nor has the examiner proffered any evidence, much less explanation, why it would have been obvious to employ the claimed electrical plug-in connectors, rather than grommet 40, for the sealing purposes.

The examiner also appears to take the position that the claimed plurality of conductors would read on the single conductor (wire) described in the Kochendorfer reference. As indicated supra, the claimed plurality of conductors, when read in light of the specification, require a multitude of individually insulated wires which number correspond to the number of silos in the electrical plug-in connectors. Such

Appeal No. 95-3453  
Application No. 08/125,709

number of wires are not shown in the Kochendorfer reference. Nor has the examiner explained why the use of a plurality of conductors (wires) in the device of the type described in the Kochendorfer reference would have been obvious to one of ordinary skill in the art.

Finally, although appellants have not specifically challenged the examiner's official notice involving the outer wall locations of electrical plug-in connectors<sup>2</sup> in general in their Brief, the examiner has not supplied any evidence, much less explanation, why one of ordinary skill in the art would have been led to place the claimed electrical plug-in connectors at such location in the context of the heating device of the type described in the Kochendorfer reference. The Kochendorfer reference clearly does not call for insertion of any electrical plug-in connectors at its inner wall openings, much less at any outer wall openings. See Figure 1.

In view of the foregoing, we do not believe that the examiner, on this record, has carried his burden of

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<sup>2</sup> During the hearing dated March 8, 1999, appellants claimed that the placement of the electrical plug-in connectors on the outer wall of a refrigerator structure is not well known.

Appeal No. 95-3453  
Application No. 08/125,709

establishing a prima facie case of obviousness. Accordingly,  
we reverse the examiner's decision rejecting claims 1 through  
8 under 35 U.S.C. § 103.

Appeal No. 95-3453  
Application No. 08/125,709

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

REVERSED

CHUNG K. PAK	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
TERRY J. OWENS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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	)	
PETER F. KRATZ	)	
Administrative Patent Judge	)	

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Appeal No. 95-3453  
Application No. 08/125,709

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