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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/763,443	04/20/2010	Cihangir SAYILGAN	AIRBUS 3.0-557	5471
530	7590	10/31/2016	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			MCDUFFIE, MICHAEL D	
			ART UNIT	PAPER NUMBER
			3632	
			NOTIFICATION DATE	DELIVERY MODE
			10/31/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CIHANGIR SAYILGAN

Appeal 2015-000687
Application 12/763,443
Technology Center 3600

Before: ANNETTE R. REIMERS, THOMAS F. SMEGAL, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 from a rejection of claims 1–5 and 8–13.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ Claim 7 is allowed. Final Act. 6. Claim 9 is indicated as allowed by typographical error as it is also included in the rejection. *Compare id.* with *id.* at 4.

CLAIMED SUBJECT MATTER

The claims are directed to a holding device for mounting parts installed inside an aircraft fuselage. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A holding device for a mounting part installed inside an aircraft fuselage having a lining including an insulating mat, the holding device comprising:
 - a fastening part attached to the aircraft fuselage and protruding through an opening in the insulating mat;
 - a holding part configured to attach the mounting part and being disposed on an inner side of the aircraft fuselage and cooperating with the fastening part configured to attach the mounting part so as to simultaneously fix the insulating mat between the fastening part and the holding part, wherein the holding part extends through the opening in a sealed manner; and
 - a sealing disk having a lower surface that contacts and seals an edge region of the opening when the holding part is installed on the fastening part, the sealing disk being axially adjustable, when the holding part is installed on the fastening part, relative to the holding part via a snap-fit connection configured to increase a sealing effect after the installation of the holding part on the fastening part when the sealing disk is pressed in a direction of the insulating mat.

REFERENCES

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

Yoneyama	US 4,811,922	Mar. 14, 1989
Cordes	US 5,538,208	July 23, 1996
Olver	US 7,861,981 B2	Jan. 4, 2011

REJECTIONS

Claims 1–5, 8², 9, and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yoneyama and Cordes.

Claims 10–12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yoneyama, Cordes, and Olver.

OPINION

The Examiner finds that Yoneyama teaches the features of independent claim 1, but not the environment of an aircraft, for which Cordes is relied upon. Final Act. 2–3.

Appellant argues that Yoneyama and the other cited references fail to “disclose or suggest a sealing disk that is axially adjustable relative to a holding part.” Appeal Br. 4. Appellant explains:

Yoneyama describes a two piece flat wire harness, which includes a catch member 4 fixed on a base plate 3 and attaching means 10 which includes an attaching plate 1 and a clip 2. The catch member 4 clips into the attaching means 10 by engaging with the support shoulders 2e of the clip 2.

Id. at 5 (citing Yoneyama col. 2:23–48 and Fig. 1). But, “[t]here is no description anywhere in Yoneyama that would suggest that the attaching plate 1 is adjustable once it has been installed on the attaching means.” *Id.* at 6.

Appellant further explains that the passage of Yoneyama cited for teaching adjustability is “entirely unrelated to any adjustment of the

² Claim 8 is not discussed in the Final Action. *See generally*, Final Act. The Examiner entered a new grounds of rejection for claim 8 in the Answer. Answer 6–7.

attaching plate 1 with respect to the catch member 4 once the catch member 4 and attaching means 10 are installed on one another.” *Id.*

The Examiner relies on the following sentence of Yoneyama to teach adjustability: “In FIG. 1, a side wall of the catch hole 2b provided in the body 2a of the clip is fully open, but as a matter of fact, it can be closed leaving some length for engaging the bifurcated claw 4a.” Yoneyama col 3:3–6; *see also* Final Act. 7. The Examiner responds to Appellant’s argument that “the extra length would allow the sealing disk 1 to move axially while installed on the holding part 4b.” Answer 7 (emphasis omitted).

But Yoneyama does not teach an “extra length,” only that the hole is not completely closed. As noted by Appellant, Yoneyama teaches that the system is secured by engaging the bifurcated claw 4a of catch member 4 with the support shoulders 2e. Yoneyama col. 2:23–48; *see also* Appeal Br. 5. As shown in Figure 1 of Yoneyama, the hole 2b is adjacent the shoulders 2e, and thus, it would be natural for a portion of the bifurcated claw 4a to stick out of the hole 2b similar to the prior art embodiment illustrated in Figure 5. Further, Yoneyama focuses on the shoulders 2e that allow the system to be separated so that the “bifurcated claw provided on the catch member is not damaged although the support shoulders are destroyed, so that the harness can be relocated and reused.” Yoneyama Abstract. The passage relied on by the Examiner merely discusses changing the size of the hole 2b, but it does not discuss any changes to how the claw engages the shoulders. The cited passage also does not appear to teach adjustability of the clip engagement.

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For the above reasons, we do not sustain the rejection of claim 1. For these same reasons, we do not sustain the rejections of claims 2–5 and 8–13, which depend from claim 1.

DECISION

The Examiner's rejection of claims 1–5 and 8–13 is reversed.

REVERSED