



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/604,017	09/05/2012	Kouichi OHYAMA	Q142044	2917
65565	7590	11/30/2016	EXAMINER	
SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			GUSHI, ROSS N	
			ART UNIT	PAPER NUMBER
			2833	
			NOTIFICATION DATE	DELIVERY MODE
			11/30/2016	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SUGHRUE265550@SUGHRUE.COM
PPROCESSING@SUGHRUE.COM
USPTO@sughrue.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KOUICHI OHYAMA

Appeal 2015-001102
Application 13/604,017
Technology Center 2800

Before, ROBERT E. NAPPI, MICHAEL J. STRAUSS, and
JOHN D. HAMANN *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1 through 4. We have jurisdiction under 35 U.S.C. § 6(b). We heard oral arguments on November 17, 2016. A transcript of the hearing will be added to the record in due course.

We affirm.

INVENTION

The disclosed and claimed inventions are directed to a connector constructed such that proper connection of the connector can be readily confirmed. *See* pages 3 and 4 of Appellant's Specification.

CLAIMED SUBJECT MATTER

Claim 1 is illustrative of the invention and reproduced below:

A fitting confirmation construction for confirming a connection between a first connector and a second connector, the fitting confirmation construction comprising:

a lock arm, provided in a housing of the first connector, and including: a lock wall inclined and disposed at a front end of the lock arm in a direction from the first connector toward the second connector;

a deflection space formed at a rear of the lock wall in the direction; and

an operation plate disposed on the deflection space;

a confirmation opening, provided in a rear wall of the housing, and having a height equal to a height of the deflection space; and

a lock projection, provided on the second connector, and configured to be brought into engagement with the lock wall,

wherein a rear end face of the operation plate is exposed to a rear outside of the housing of the first connector through the confirmation opening, only in a state where the lock arm is deflected.

REFERENCE AND REJECTION AT ISSUE

The Examiner rejected claims 1 through 4 under 35 U.S.C. § 103(a) as being unpatentable over Ueda (US 6,840,797 B2; Jan. 11, 2005) Answer 2–3.¹

¹ Throughout this Opinion we refer to the Appeal Brief dated August 5, 2014, Reply Brief dated October 23, 2014, and the Examiner's Answer mailed on August 26, 2014.

ANALYSIS

We have reviewed Appellant's arguments in the Briefs, the Examiner's rejection and the Examiner's response to Appellant's arguments. Appellant's arguments have not persuaded us of error in the Examiner's rejection of claims 1 through 4.

Appellant argues the Examiner erred in finding Ueda renders obvious the claim limitation directed to "a rear end face of the operation plate is exposed to a rear outside of the housing of the first connector through the confirmation opening, only in a state where the lock arm is deflected." App. Br. 8. Appellant asserts there is no indication the view of Ueda's Figure 4 is showing an arm un-deflected, as such the limitation is not taught by Figure 4. App. Br. 10, Reply Br. 6. Appellant asserts there is no indication the operation plate (item 23 in Figure 4) will move down far enough to be visible through the opening. *Id.* Finally, Appellant asserts, if a female connector were inserted into the Figure 4 housing (deflecting the arm), part 23 would move upward and not be visible through the opening. App. Br. 11.

The Examiner has provided a comprehensive response to Appellant's arguments on pages 3 through 8 of the Answer. We have reviewed the Examiner's Answer and the evidence cited. We concur with the Examiner's findings. The Examiner agrees with Appellant that it is unclear whether Figure 4 teaches the arm is partially deflected or un-deflected, but in either case in the un-deflected state the rear wall of the arm would not be visible through the confirmation window. Answer 3-4. Further, the Examiner finds, viewing Figure 4, that the operation plate, item 23, can be depressed until either the arm hits connecting part 67 or the rear portion hits the bottom wall, part 30. Answer 4. When this occurs the rear face, rear wall of the arm

would be visible through the confirmation window. *Id.* We concur with the Examiner. While patent drawings not designated as being drawn to scale cannot be relied upon to define precise proportions of elements if the specification is completely silent on the issue, *Hockerson-Halberstadt, Inc. v. Avia Group Int'l Inc.*, 222 F.3d 951, 956 (Fed. Cir. 2000), that does “not mean that things patent drawings show clearly are to be disregarded.” *In re Mraz*, 455 F.2d 1069, 1072 (CCPA 1972). A drawing teaches all that it reasonably discloses and suggests to a person of ordinary skill in the art. *In re Aslanian*, 590 F.2d 911, 914 (CCPA 1979) (citation omitted).

We note that Appellant, for the first time in the Reply Brief, asserts the Examiner has not accurately addressed the limitation in the preamble of claim 9, directed to confirming a fit state between connectors. Reply Br. 6. Appellant has not shown good cause as to why this argument could not have been presented earlier. As such, this argument has not been considered, and is waived. *See Ex parte Borden*, 93 USPQ2d 1473, 1473–74 (BPAI 2010) (informative) (absent a showing of good cause, the Board is not required to address arguments in Reply Brief that could have been presented in the principal Appeal Brief).

DECISION

We sustain the Examiner’s rejection of claims 1 through 4 under 35 U.S.C. § 103(a).

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).

AFFIRMED