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13/771,376	02/20/2013	Yu Lu	02316.2299USC4	7040
23552	7590	11/28/2016	EXAMINER	
MERCHANT & GOULD P.C. P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			RADKOWSKI, PETER	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* YU LU, RANDY REAGAN,  
MICHAEL NOONAN, and JEFF GNIADEK

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Appeal 2015-006237  
Application 13/771,376  
Technology Center 2800

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Before MAHSHID D. SAADAT, JOHNNY A. KUMAR, and  
JON M. JURGOVAN, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 18 and 20–29, which are all the claims pending in this application.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> According to Appellants, the real party in interest is ADC Telecommunications, Inc. (App. Br. 2).

<sup>2</sup> Claims 1–17 and 19 have been canceled.

## STATEMENT OF THE CASE

Appellants' invention relates to a fiber optic cable including radio frequency identification devices (Spec. Title). Exemplary claim 18 under appeal reads as follows:

18. A fiber optic cable comprising:

a main cable having a first end and an oppositely disposed second end, the main cable including a plurality of optical fibers and defining a plurality of breakout locations intermittently disposed between the first and second ends; and

a plurality of radio frequency identification devices positioned at the breakout locations, each radio frequency identification device storing information about subscribers that are connected to the fibers attached to the respective breakout location.

## REFERENCES and REJECTION

Claims 18 and 20–29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Elkins (US 2005/0259928 A1; published Nov. 24, 2005), Doany (US 6,377,203 B1; issued Apr. 23, 2002), and McNamara (US 2006/0028352 A1; published Feb. 9, 2006) (*see* Final Act. 2–7).

## ANALYSIS

### *First Issue*

With respect to claim 18, Appellants contend the combination of Elkins, Doany, and McNamara does not teach “a plurality of radio frequency identification (RFID) devices positioned at breakout locations [of a fiber optic cable]” (App. Br. 5). Appellants argue, although Doany teaches RFID tags disposed along an underground communications line for geographic marking purposes, Doany does not provide a reason to mark breakout locations (*id.*).

We are not persuaded of Examiner error in the rejection, and agree with the Examiner's finding that Doany uses RFID tags to mark specific locations along the communications cable (Final Act. 4; Ans. 2–6 (citing Doany, col. 6, ll.18–46 and Fig. 1). Doany teaches those specific locations correspond to important underground features, such as cable splices (*see also* Doany, col. 5:60–65), and thus, we agree that Doany teaches the claimed RFID devices positioned at breakout, or splice, locations.

*Second Issue*

Appellants contend the combination of Elkins, Doany, and McNamara does not teach “each [RFID] storing information about subscribers that are connected to the fibers attached to the respective breakout location” (App. Br. 5; Reply Br. 1–2) (emphasis omitted). Appellants argue the information stored on the RFID tags of Doany and McNamara is about the object to which the tag is attached, not about an object that is located at a remote location, such as the claimed subscribers that are separated from the breakout locations by the optical fibers (*id.*).

Initially, we observe that Appellants' disclosure does not specifically define “information about subscribers” (*see* Spec 10:16–18). As such, the broadest reasonable interpretation of the limitation that is consistent with Appellants' disclosure includes any information that is related, directly or indirectly, to a subscriber connected to the fibers (*see In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1369 (Fed. Cir. 2004): “[T]he PTO is obligated to give claims their broadest reasonable interpretation during examination.”). The Examiner finds, and we agree, that McNamara teaches an RFID tag that stores serial number information for tracking equipment on a networked system of subscriber communication devices, and such information is related

to the end users (i.e., subscribers) of the equipment by identifying the particular equipment used and its location (Ans. 3–6 (citing McNamara ¶ 8, which teaches a method for tracking objects that is further described in ¶¶ 9–11)).

#### CONCLUSION

In view of the foregoing, we sustain the Examiner’s rejection of claim 18 under 35 U.S.C. § 103(a) as unpatentable over Elkins, Doany, and McNamara. No separate arguments are presented for dependent claims 20–29 (*see* App. Br. 6). We therefore sustain their rejection for the reasons stated with respect to independent claim 18.

#### DECISION

We affirm the Examiner’s decision to reject claims 18 and 20–29.

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