



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.
14/084,262	11/19/2013	Brett Lane	LCB813	2113
32915	7590	03/02/2018	EXAMINER	
PANDUIT CORP. 18900 Panduit Drive TINLEY PARK, IL 60487			GUNBERG, EDWIN C	
			ART UNIT	PAPER NUMBER
			2884	
			NOTIFICATION DATE	DELIVERY MODE
			03/02/2018	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):

patents@panduit.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* BRETT LANE, ROBERT A. REID, and JOSEPH M. NASH

---

Appeal 2016-006476  
Application 14/084,262  
Technology Center 2800

---

Before TERRY J. OWENS, MICHAEL P. COLAIANNI, and  
JANE E. INGLESE, *Administrative Patent Judges*.

COLAIANNI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 the final rejection of claims 1–6 and 9–15. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

We REVERSE.

The appeal is directed to an apparatus for mechanical splice termination and evaluation of resulting splice joints with optical fibers (Spec. ¶ 2).

Claim 1 is illustrative:

1. An apparatus for evaluating integrity of a splice joint present within an optical fiber, said apparatus comprising:
  - a fiber optic coupling assembly configured to be directly or indirectly connectable to said optical fiber;
  - a light source in optical communication with said fiber optic coupling assembly, said light source configured to generate light pulses, wherein said light pulses are coupled to said optical fiber, and wherein at least a portion of said coupled light pulses are at least one of backscattered and reflected within said optical fiber; and
  - a photo detector in optical communication with said fiber optic coupling assembly, said photo detector configured to detect said at least one of backscatter and reflection,
    - wherein said optical fiber is positioned at least partially within a fiber optic connector, said fiber optic connector being a re-terminable fiber optic connector having a stub fiber therein and configured to be connectorized to a field fiber, said optical fiber including said stub fiber and said field fiber, and
    - wherein said fiber optic coupling assembly is directly or indirectly connectable to said fiber optic connector.

Appellants appeal the following rejections:

1. Claims 1–6 and 10–13 are rejected under 35 U.S.C. § 102(b) as unpatentable over Brendel et al. (WO 2004/090499 A1, published Oct. 21, 2004) (“Brendel”).

2. Claim 9 is rejected under 35 U.S.C. § 103(a) as unpatentable over Brendel in view of Lazo (US 2007/0014526 A1, published Jan. 18, 2007).
3. Claim 14 is rejected under 35 U.S.C. § 103(a) as unpatentable over Brendel.
4. Claim 15 is rejected under 35 U.S.C. § 103(a) as unpatentable over Brendel in view of Fluke (Fluke Networks: DTX Compact OTDR (2007)).

#### FINDINGS OF FACT & ANALYSIS

Appellants argue that Brendel fails to teach a re-terminable fiber optic connector having a stub fiber therein and configured to be connected to a field fiber (App. Br. 6). Appellants argue that fiber 24 in Brendel is not a stub fiber as found by the Examiner (App. Br. 7). Appellants argue that fiber 24 is part of the Optical Time-Domain Reflectometer (OTDR) and is not a re-terminable fiber optic connector that is connected to a field fiber (App. Br. 7). Appellants contend that the unnumbered box depicted in Figure 1A of Brendel between optical fiber 24 and field fiber 30 is not described at all in Brendel (App. Br. 7). Appellants argue that there is nothing to suggest in Brendel that the unnumbered box that serves a connector includes a stub fiber or is re-terminable (App. Br. 7–8).

The Examiner finds that the broadest reasonable interpretation of “‘stub fiber’ is merely a fiber that ends” (Ans. 3). The Examiner finds that the connector depicted between fiber 24 and field fiber 30 is the “‘re-terminable connector’” (Ans. 3).

Appellants respond that the Examiner's construction of "stub fiber" as including any fiber that ends is unreasonable because it is inconsistent with the ordinary and customary meaning of that phrase (Reply Br. 2). Appellants contend that a stub fiber within the meaning of the Specification is a fiber that is positioned within a fiber connector as shown Appellants' Figure 1a and described in the incorporated by reference patent US 7,241,056 on page 4 of the Specification (Reply Br. 2-3). Appellants contend that claim 1 requires the stub fiber to be positioned within a re-terminable connector (Reply Br. 3). Appellants contend that the language of claim 1 as described by the Specification requires that a "stub fiber" is "a relatively short fiber positioned inside of a fiber optic connector during the connector's manufacture" (Reply Br. 3).

The preponderance of the evidence favors Appellants' arguments of novelty. Claim 1 recites "a re-terminable fiber optic connector having a stub fiber therein." This language requires that the stub fiber is contained within the re-terminable connector. This construction of claim 1 is supported by Appellants' Figure 1a that depicts the stub fiber 135 completely contained within the ferrule 115 of the connector 110. Therefore, we construe the claim phrase "a re-terminable fiber optic connector having a stub fiber therein" in light of the Specification as requiring that the stub fiber is completely contained within the re-terminable connector. The Examiner has not explained how Brendel's fiber 24 that extends to the unnumbered connector box between field fiber 30 and fiber 24 would constitute a re-terminable fiber optic connector having a stub fiber therein as that phrase is properly construed. The Examiner has not dispensed with the initial burden of establishing a prima facie case of anticipation over the Brendel reference.

Appeal 2016-006476  
Application 14/084,262

On this record, we reverse the Examiner's § 102(b) rejection over Brendel. The Examiner does not rely on any of the additional references in the 35 U.S.C. § 103(a) rejections to cure the deficiency in the rejection with regard to Brendel. Therefore, we reverse the Examiner's § 103(a) rejections as well.

DECISION

The Examiner's decision is reversed.

ORDER  
REVERSED