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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/921,266	10/23/2015	Julian Lopacki	83589343	7898
121691	7590	11/15/2018	EXAMINER	
Ford Global Technologies, LLC/ King & Schickli, PLLC 800 CORPORATE DRIVE, SUITE 200 Lexington, KY 40503			GUTMAN, HILARY L	
			ART UNIT	PAPER NUMBER
			3612	
			NOTIFICATION DATE	DELIVERY MODE
			11/15/2018	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JULIAN LOPACKI, ERIC AXEL SMITTERBERG, and
DAVID HUELKE¹

Appeal 2018-001082
Application 14/921,266
Technology Center 3600

Before BIBHU R. MOHANTY, KENNETH G. SCHOPFER, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 of the final rejection² of claims 1–14, and 19. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We AFFIRM.

¹ The real party in interest is Ford Global Technologies, LLC. (App. Br., 3.)

² Herein, we refer to the Specification, filed Oct. 23, 2015 (“Spec.”); Appeal Brief, filed Aug. 24, 2017 (“App. Br.”); and the Examiner’s Answer, mailed Oct. 12, 2017 (“Ans.”). The Reply Brief, filed Nov. 10, 2017, is mentioned in this Decision, however, it is not cited.

THE INVENTION

The Appellants' claimed invention is directed to a sun visor mounting assembly for vehicles (Spec., para. 1). Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A mounting assembly for a vehicle sun visor, comprising:
a connector directly mounted to a headliner, said connector comprising a body carrying at least one connector electrical contact configured to be placed in electrical communication with a power source; and
a visor mounting member comprising at least one cooperating visor electrical contact and a snap-fit retainer configured to engage the headliner-mounted connector and/or an interior surface portion of the headliner.

(App. Br., Claims Appendix, 14.)

THE REJECTION

Claims 1–14, and 19 are rejected under 35 U.S.C. § 102(a)(2) as anticipated by Wilson, US 2002/0149224 A1, published Oct. 17, 2002. (*See* Ans. 2–4.)

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section below are supported at least by a preponderance of the evidence³.

³ *See Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

ANALYSIS

The Appellants argue that the rejection of claim 1 is improper because the cited prior art fails to show

a connector directly mounted to a headliner, said connector comprising a body carrying at least one connector electrical contact configured to be placed in electrical communication with a power source

(App. Br. 9, 10). The Appellants argue that Wilson's teaching of a visor female connector 52, visor male connector 32, and mounting plate fail to show the required combination because the visor female connector 52 is "clearly not directly mounted to the headliner" (App. Br. 10). The Appellants present similar arguments in the Reply Brief at pages 1–4.

In contrast, the Examiner has determined that the rejection of record is proper (Ans. 2–5). The Examiner has asserted that Appellants have mischaracterized the reliance in the rejection on element 52 (Ans. 4). The Examiner has determined that Wilson discloses a headliner mounted connector 32, 70 that is directly connected to the headliner 22. *Id.* The Examiner has determined that element 52 is instead relied on to teach the "visor mounting member" in an annotation of Fig. 8 found at page 3 of the Answer. The Examiner provided the mapping of the claimed elements on to Figure 8 in the Answer at page 3.

We agree with the Examiner and adopt the findings made by the Examiner in the Answer at pages 2–4 in regard to claim 1. Here, the portion of the element 32 identified as the "at least one electrical contact" in the annotation of Figure 8 is directly connected to the headliner and meets the argued claim limitation. For this reason, the rejection of claim 1 is sustained.

With regard to claim 10, the Appellants argue that a similar limitation for “a snap-fit retainer configured to directly engage a portion of the headliner” is not shown by the prior art. We agree with the Examiner’s finding in this regard because the coupling in Figure 3 of Wilson is a snap fit and is, as shown by the Examiner, directly engaged to the headliner. For this reason, the rejection of claim 10 is sustained as well.

The Appellants have also argued that in claim 6 the claim limitation that a “headliner-mounted connector includes a connector aperture configured for at least partial concentric alignment with the headliner aperture” has not been shown in the prior art (App. Br. 12). The Appellants make a similar argument for claim 7 which further requires “full concentric alignment with the headliner aperture” (App. Br. 12).

In contrast the Examiner has determined that this is shown in the cited prior art at Figure 8 (Ans. 4, 7).

We agree with and adopt the Examiner findings with regard to claims 6 and 7 found in the Answer at pages 4 and 7 and this rejection is therefore sustained.

The Appellants have presented the same or similar arguments for the remaining claims and the rejection of these claims is sustained as well.

CONCLUSIONS OF LAW

We conclude that Appellants have not shown that the Examiner erred in rejecting claims 1–14, and 19 under 35 U.S.C. § 102(a)(2) as anticipated by Wilson.

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DECISION

The Examiner's rejection of claims 1–14, and 19 is sustained.

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED