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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/643,843	10/26/2012	Kuohuang Yang	3748/0486PUS1	9074
60601	7590	12/26/2019	EXAMINER	
Muncy, Geissler, Olds & Lowe, P.C. 4000 Legato Road Suite 310 Fairfax, VA 22033			KLOTZ, WILLIAM R	
			ART UNIT	PAPER NUMBER
			3754	
			NOTIFICATION DATE	DELIVERY MODE
			12/26/2019	ELECTRONIC

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* KUOHUANG YANG

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Appeal 2018-002420  
Application 13/643,843  
Technology Center 3700

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Before EDWARD A. BROWN, CHARLES N. GREENHUT, and  
PAUL J. KORNICZKY, *Administrative Patent Judges*.

KORNICZKY, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF THE CASE<sup>1</sup>

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>2</sup> appeals from the Examiner's decision, as set forth in the Final Office Action, rejecting claims 1, 3, 6, 7, and 9–14.<sup>3</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

## THE CLAIMED SUBJECT MATTER

The claims are directed to a portable urination device. Claim 1, the only independent claim on appeal, is reproduced below with disputed limitations italicized for emphasis:

1. A portable urination device, comprising:
  - a guiding body, which has a guiding portion, a first port, and a second port, the first port and the second port are positioned at two ends of the guiding portion, the guiding portion has two side walls, wherein a bottom edge of the two side walls is a closed structure;
  - two connection units, which are disposed on the guiding body and are positioned between the first port and the second port; and
  - an adhesive layer, which is disposed on at least one portion of one of the connection units such that an user's finger can touch the adhesive layer for steadily operating said portable urination device;*wherein a receiving portion is positioned at the first port near the two connection units and an open structure is positioned

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<sup>1</sup> In this Decision, we refer to (1) the Examiner's Final Office Action dated February 10, 2017 ("Final Act.") and Answer dated November 1, 2017 ("Ans."), and (2) Appellant's Appeal Brief dated July 7, 2017 ("Appeal Br.").

<sup>2</sup> We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Kuohuang Yang. Appeal Br. 2.

<sup>3</sup> Claims 2, 4, 5, and 8 are cancelled. Appeal Br. 4.

distant from the bottom edge of the two side walls of the guiding body.

### REFERENCES

In rejecting the claims on appeal, the Examiner relied upon the following prior art:

Willis	US 2,690,568	Oct. 5, 1954
Langford	US 2006/0218709 A1	Oct. 5, 2006
Nett	US 2011/0042258 A1	Feb. 24, 2011

### REJECTIONS

The Examiner made the following rejections:

1. Claims 1, 3, 6, 9–11, 13, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Langford.
2. Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Langford and Nett.
3. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Langford and Willis.

Appellant seeks our review of these rejections.

### DISCUSSION

*Rejection 1: Claims 1, 3, 6, 9–11, 13, and 14  
as Anticipated By Langford*

The Examiner finds that Langford discloses all of the limitations in claim 1. Final Act. 4–5. In particular, the Examiner finds that Langford teaches “an adhesive layer, which is disposed on at least one portion of one of the connection units such that an user’s finger can touch the adhesive layer for steadily operating said portable urination device” because



*Id.*; *see also id.* ¶¶ 25–28. We agree with the Examiner that, in light of the usage in the claims and the Specification, the recited adhesive layer is “a layer of an adhering substance.” Ans. 6.

In contrast to the Specification, Langford discloses that flaps 44, 46 may be attached to side walls 12, 14 by any suitable adhesive and side walls 12, 14 may be attached at edges 56, 58 to form back seam 18 by an adhesive. Ans. 6 (citing Langford ¶ 47). Langford does not teach that a layer of an adhering substance is disposed on the flaps so that it may be touched by a user’s finger or that adhesion between the adhering substance and the finger is used to operate the urination device as recited in claim 1.

For these reasons, Langford does not teach all of the limitations recited in claim 1, and, thus, the rejection of claim 1 cannot be sustained. Similarly, the rejection of claims 3, 6, 9–11, 13, and 14, which depend from claim 1, cannot be sustained.

*Rejection 2: Claim 7  
as Unpatentable Over Langford and Nett*

The Examiner’s rejection of claim 7, which depends from claim 1, does not remedy the deficiencies of Langford as discussed above in connection with claim 1. Thus, the rejection of claim 7 is reversed.

*Rejection 3: Claim 12  
as Unpatentable Over Langford and Willis*

The Examiner’s rejection of claim 12, which depends from claim 1, does not remedy the deficiencies of Langford as discussed above in connection with claim 1. Thus, the rejection of claim 12 is reversed.

## CONCLUSION

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 3, 6, 9–11, 13, 14	102	Langford		1, 3, 6, 9–11, 13, 14
7	103	Langford, Nett		7
12	103	Langford, Willis		12
<b>Overall Outcome</b>				1, 3, 6, 7, 9–14

For the above reasons, the Examiner's rejections of claims 1, 3, 6, 7, and 9–14 are REVERSED.

REVERSED