



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.
15/341,102	11/02/2016	Robert J. Chastain	28858-01C	9602
34238	7590	01/22/2020	EXAMINER	
ARTHUR G. SCHAIER CARMODY TORRANCE SANDAK & HENNESSEY LLP 195 CHURCH STREET P.O. BOX 1950 NEW HAVEN, CT 06509-1950			GUSHI, ROSS N	
			ART UNIT	PAPER NUMBER
			2833	
			NOTIFICATION DATE	DELIVERY MODE
			01/22/2020	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@carmodylaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROBERT J. CHASTAIN and GLEN D. SHAW

Appeal 2018-004846
Application 15/341,102
Technology Center 2800

Before ALLEN R. MacDONALD, CAROLYN D. THOMAS, and
DAVID J. CUTITTA II, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner’s decision to reject claims 31–34 and 37–48. Claims 35 and 36 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Final Act. 5. We have jurisdiction over the appeal under 35 U.S.C. § 6(b). An Oral Hearing was held on January 13, 2020.

We AFFIRM.

¹ 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 PerfectVision Manufacturing, Inc. Appeal Br. 1.

The present invention relates generally to female sockets adapted to be engaged by a coaxial connector. *See* Spec. 6:14–15.

Claim 31 is illustrative:

31. An apparatus comprising:
a female socket adapted to be engaged by a coaxial connector wherein the female socket comprises:
a body comprising an end for engaging the coaxial connector;
a sleeve disposed within the body, wherein the sleeve is configured for axial movement within the body and outwardly from the body, and wherein the sleeve is configured to promote electrical continuity with the coaxial connector by exerting pressure on an electrically conductive portion of the coaxial connector, by promoting electrical contact with the coaxial connector, or by exerting pressure on an electrically conductive portion of the coaxial connector and promoting electrical contact with the coaxial connector; and
a tube disposed within the sleeve, wherein the tube is configured to accept a center conductor from the coaxial connector.

Appellant appeals the following rejections:

R1. Claims 31–34, 37, and 40–47 are rejected under 35 U.S.C. § 102(e) as being anticipated by Peng (US 8,172,617 B2, May 8, 2012); and

R2. Claim 38, 39, and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peng.

We review the appealed rejections for error based upon the issues identified by Appellants, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential).

ANALYSIS

Rejection under § 102(e) over Peng

Claims 32–34, 37, 40–47

Appellant contends “the claimed invention requires a sleeve that slides outside the female socket opening to engage the male connector and establish an electrical continuity path for the outer conductor.” App. Br. 5. Appellant further contends that “the Examiner resorted to contending that two distinct elements of Peng, ‘front insulation member 14’ and metal contact sleeve 16,’ somehow in combination satisfy the ‘sleeve’ requirement of independent claim 31.” *Id.* at 7. Specifically, Appellant contends that “Peng’s ‘metal contact sleeve **16**’ – at all times – stays within the socket body, and thus, does not ‘axially move outwardly from the body.’ In addition, Peng’s ‘front insulation member **14**’ is an ‘insulation member’ and is not electrically conductive.” *Id.* at 7.

In response, the Examiner finds that “[c]laim 31 does not require that the sleeve be [an] unitarily constructed component. Therefore, Peng[’s] parts 14 and 16 can be considered as meeting the limitation of ‘a sleeve disposed within the body.’” Ans. 2. The Examiner further finds that “[c]laim 31 does not require that the sleeve be conductive.” *Id.* (emphasis omitted). We agree with the Examiner.

We refer to, rely on, and adopt the Examiner’s findings and conclusions set forth in the Answer. Our discussions here will be limited to the following points of emphasis.

First, we note, as a matter of claim construction, that neither the claim nor Appellant’s Specification requires the claimed “sleeve” to be a unitary component nor a conductive member, as argued by Appellant. For instance,

claim 31 merely recites “a sleeve disposed within the body, wherein the sleeve is configured for axial movement within the body . . . to promote electrical continuity with the coaxial connector.” Claim 31. Appellant’s Specification merely discloses that “The preferably metallic traveling sleeve 62 comprises an elongated shank 69 forming internal passageway 70 (Fig. 5). In assembly the traveling sleeve 62 is coaxially and slidably disposed within body passageway 50 or 52 for limited axial displacements.” Spec. 11:12–14.

In other words, Appellant’s Specification describes a slidable “sleeve” that is preferably metallic, but not necessarily, and claim 31 merely recites that the sleeve “promote” electrical continuity, not necessarily directly providing the electrical continuity, i.e., by being conductive. Although we agree with Appellant that “‘preferably metallic’ does not necessarily equate to potentially non-conductive” (Reply Br. 5), we note that such language does equate to a non-limiting aspect of the sleeve which gives the Examiner broad discretion to interpret such a component. As such, we find the aforementioned limitation sufficiently *reads on* the Examiner’s findings in Peng.

For example, Peng discloses “a front insulation member **14**, . . . a metal contact sleeve **16** . . . The front insulation member **14** is movably mounted in the front opening **111** of the metal casing **11** and sleeved onto the metal center pin **13**. Insertion of the plug member **2** into the F-type socket member **1** causes the front insulation member **14** to be moved axially.” Peng, 2:44–67. Peng further discloses that “[t]he metal contact sleeve **16** is electrically conductively sleeved onto the metal center pin **13** and movable with the front insulation member **14**.” Peng, 3:3–5. In other

words, Peng's combined metal contact sleeve 16 and insulation member 14 provides the claimed slidable sleeve that promote electrical continuity with a coaxial connector. As written, claim 31 alternatively requires different ways of promoting electrical continuity and as noted *supra*, Peng satisfies at least one such broad alternative, i.e., by promoting electrical contact with the coaxial connector.

Although Appellant contends that “the [S]pecification *consistently* teaches that the traveling sleeves of the invention promote electrical conductivity because they ‘reach out’ to incoming F-connectors to insure electrical contact” (Reply Br. 4–5), we note that the claims *as written* do not necessarily require such an arrangement. While we interpret claims broadly but reasonably in light of the Specification, we nonetheless must not import limitations from the Specification into the claims. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 1323 (Fed. Cir. 2005) (en banc) (citations omitted). Here, claim 31 is written in an alternative fashion, allowing the Examiner to choose which portion to interpret, i.e., the broadest limitation being the claimed *wherein the sleeve is configured to promote electrical continuity with the coaxial connector . . . by promoting electrical contact with the coaxial connector*. Claim 31. As such, as written, claim 31 does not necessarily require promoting electrical conductivity by reaching out (i.e., exerting pressure) to incoming F-connectors, as predominantly argued by Appellant. Furthermore, we find that “promoting electrical conductivity” is an inherent feature of any coaxial cable connector and the intended purpose thereof.

Accordingly, we sustain the Examiner's rejection of claim 31. Appellant's argument regarding the Examiner's rejection of dependent

claims 32–34, 37, and 40–47 rely on the same arguments as for claim 31. *See* Appeal. Br. 6–9. We, therefore, also sustain the Examiner’s rejection of claims 32–34, 37, and 40–47.

Rejection under § 103(a) over Peng

Claims 38 and 39

Because Appellant has not presented separate patentability arguments or have reiterated substantially the same arguments as those previously discussed for patentability of claim 31 above (*see* Appeal. Br. 9), claims 38 and 39 fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Claim 48

Appellant contends “[t]he Examiner’s reliance on inherency was improper” (Appeal Br. 9) because “the Examiner failed to provide any ‘basis in fact and/or technical reasoning’ as to why the claimed functionality would necessarily result from the Peng device.” *Id.* at 10.

When relying upon a theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the Examiner’s determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1463–64 (BPAI 1990). Here, the Examiner finds that “[a]s long as the threads of the mating connectors are at least partially engaged, and the Peng sleeve 14 is applying pressure to the abutting face of the mating connector, electrical continuity between the mating threads will be enhanced via the pressure of the sleeve 14 on the face of the mating connector.” Ans. 3. Appellant fails to rebut this specific technical reasoning.

Instead, Appellant merely points out that “Peng uses an impedance element for electrical continuity while the claimed invention uses the traveling sleeves.” Reply Br. 6. Even if Peng uses an impedance element for electrical continuity when the plug member is disconnected, as proffered by Appellant, Appellant fails to rebut the Examiner’s technical reasoning outlined *supra* for how Peng inherently maintains electrical connection with the coaxial connector. We note that claim 48 does not require that one “maintain electrical connection” by a specific method, but instead broadly recite that “the sleeve and the spring are configured to maintain electrical connection,” arguably by any particular method. *See* claim 48. Appellant’s argument fails to persuasively show error in the Examiner’s aforementioned technical reasoning.

Therefore, we find unavailing Appellant’s aforementioned contention that the Examiner failed to provide any basis in fact and/or technical reasoning, given the unrebutted reasons highlighted *supra*.

Accordingly, we sustain the rejection of claim 48 under 35 U.S.C. § 103(a).

CONCLUSION

Claims Rejected	Basis	Reference(s)	Affirmed	Reversed
31–34, 37, 40–47	§ 102(e)	Peng	31–34, 37, 40–47	
38, 39, 48	§ 103(a)	Peng	38, 39, 48	
Overall Outcome			31–34, 37– 48	

Appeal 2018-004846
Application 15/341,102

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED