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Row 1: 14/012,459, 08/28/2013, Stephan Mueller, TEL4-55558-US (INT0552US), 2169
Row 2: 44639, 7590, 01/22/2019, CANTOR COLBURN LLP-BAKER HUGHES, A GE COMPANY, LLC, EXAMINER YANG, JAMES J
Row 3: ART UNIT 2683, PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* STEPHAN MUELLER, INGO RODERS, and  
KAI SCHOENBORN

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Appeal 2018-006055  
Application 14/012,459  
Technology Center 2600

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Before JOSEPH L. DIXON, JOHN P. PINKERTON, and JOYCE CRAIG,  
*Administrative Patent Judges.*

CRAIG, *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 1–11, which are all of the claims pending in this application. 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 Baker Hughes Incorporated. Br. 2.

## INVENTION

Appellants' invention relates to a wired pipe surface sub. Abstract.

Claim 1 is illustrative and reads as follows:

1. A sub for a wired pipe system, the sub comprising:
    - a body including an outer surface that defines an inner bore through which a fluid passes during drilling;
    - a first transmission device (34) located within the outer surface and at an end of the body and outside of the inner bore such that the fluid passes through the first transmission device during drilling;
    - a communication collar that at least partially surrounds the outer surface and that is rotatable relative to the body;
    - a second transmission device in electrical communication with the first transmission device and located on the outer surface of the body;
    - a transmission line that electrically connects the first and second transmission devices and that passes at least partially through the body; and
    - a third transmission device located in the communication collar in communication with the second transmission device;
- wherein the first, second and third transmission devices are all of the same type;
- wherein, in operation, signals are received from or provided to a surface unit from the communication collar through a communication line.

## REJECTIONS

Claims 1, 4–7, and 11 stand rejected under 35 U.S.C. § 103 as unpatentable over Lasater et al. (US 2007/0257812 A1; published Nov. 8, 2007) (“Lasater”).

Claim 2 stands rejected under 35 U.S.C. § 103 as unpatentable over

the combination of Lasater and Myatt (US 5,196,845; issued Mar. 23, 1993).

Claims 3 and 8–10 stand rejected under 35 U.S.C. § 103 as unpatentable over the combination of Lasater and Hawthorn et al. (US 2010/0328095 A1; published Dec. 30, 2010) (“Hawthorn”).

### ANALYSIS

We have reviewed the rejections of claims 1–11 in light of Appellants’ arguments that the Examiner erred. We have considered in this decision only those arguments Appellants actually raised in the Briefs. Any other arguments Appellants could have made, but chose not to make, in the Briefs are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Appellants’ arguments are not persuasive of error. We agree with and adopt as our own the Examiner’s findings of facts and conclusions as set forth in the Answer and in the Action from which this appeal was taken. We provide the following explanation for emphasis.

Appellants first contend the Examiner erred because the cited portions of Lasater do not teach or suggest a first transmission device outside the inner bore, as claim 1 requires. Br. 5.

We are not persuaded that the Examiner erred. The Examiner concluded that the recited limitation “outer surface that defines an inner bore” is broad enough to encompass element 14 of Lasater Figure 2 as the recited “outer surface,” and anything on the inside of element 14 is “defined by” element 14.<sup>2</sup> Ans. 2–3. The Examiner further concluded the recited

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<sup>2</sup> We give the contested claim limitations the broadest reasonable interpretation (“BRI”) consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

“inner bore” is broad enough to encompass the area inside of element 18, which is at least partially defined by element 14 because it is located within the boundaries of element 14. *Id.* at 3 (citing Lasater Fig. 2). The Examiner also concluded the recited “inner bore” is sufficiently broad to encompass “the portion of communications port 18 with which the male connector and the female connector are joined inside of elements 32 and 34,” where elements 32 and 34 are outside of the inner bore. *Id.* (citing Lasater Fig. 2). Appellants did not file a Reply Brief and have not persuaded us the Examiner’s claim interpretations are overly broad, unreasonable, or inconsistent with the Specification. Nor have Appellants presented sufficient persuasive argument or objective evidence to rebut the Examiner’s findings of fact.

Appellants next contend the cited portions of Lasater do not teach or suggest fluid passing through the inner bore during drilling, as claim 1 requires. Br. 6. Appellants argue that, because the first transmission device is outside the inner bore, the fluid must also pass through the first transmission device. *Id.* Appellants further argue that, if fluid passed through the region of port 18, the fluid would be pumped out of the system and lost to the borehole. *Id.* at 7. Appellants also argue that the cited portions of Lasater do not teach that fluid passes through the first communication element, as claim 1 requires. *Id.*

Again, Appellants have not sufficiently rebutted the Examiner’s factual findings and legal conclusions. The Examiner found that Lasater teaches the presence of a conductive fluid located within port 18, serving to prevent shorting. Ans. 3. The Examiner concluded that an artisan of ordinary skill would have recognized that such conductive fluid would not

be lost to the borehole because losing the fluid would create a short. *Id.* The Examiner also concluded it would have been obvious to one of ordinary skill in the art at the time of filing to modify the system in Lasater “to allow for the conductive fluid that is present to flow through probe coil 34.” *Id.*

Moreover, Appellants’ argument that fluid would not pass through port 18 is conclusory. It is well settled that mere attorney arguments and conclusory statements, which are unsupported by factual evidence, are entitled to little probative value. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *see also In re Pearson*, 494 F.2d 1399, 1405 (CCPA 1974) (attorney argument is not evidence).

For these reasons, we are not persuaded that the Examiner erred in finding Lasater teaches or suggests the disputed limitations of claim 1.

Accordingly, we sustain the Examiner’s § 103 rejection of independent claim 1, as well as the Examiner’s § 103 rejections of dependent claims 2–11, not argued separately with particularity. *See* Br. 7.

#### DECISION

We affirm the Examiner’s decision rejecting claims 1–11.

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