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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROBERT E. FRANSEN, MICHAEL K. YUAN, and
SATISH I. PATEL

Appeal 2018-008939
Application 14/932,062
Technology Center 2800

Before BRADLEY R. GARRIS, DEBRA L. DENNETT, and LILAN REN,
Administrative Patent Judges.

GARRIS, *Administrative Patent Judge.*

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1, 3–6, and 8–16. We have jurisdiction under 35 U.S.C. § 6(b).

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 Panduit Corp. Appeal Br. 1.

Appellant claims a communication system 40 comprising: a communication cable 48 including a plurality of insulated conductors 94/108; and a communication connector 44 including a plurality of insulation displacement contacts 80 each being in direct contact with an insulated conductor, the direct contact being established by rotation of an insulated conductor relative to a respective insulation displacement contact, wherein the insulated conductors are positioned within a conductor alignment structure 82 that maintains a position of each insulated conductor relative to a respective insulation displacement contact during said rotation by supporting the respective insulated conductor on both longitudinal sides of the respective insulation displacement contact (independent claim 1, Figs. 1, 3, 14A, 14B). Appellant also claims the communication connector itself (remaining independent claim 8).

A copy of representative claim 1, taken from the Claims Appendix of the Appeal Brief, appears below.

1. A communication system comprising:
a communication cable including a plurality of insulated conductors;
and
a communication connector including a housing and a plurality of insulation displacement contacts (IDCs) positioned at least partially within said housing, each of said IDCs being in direct contact with one of said insulated conductors, said direct contact being established by rotation of said insulated conductor relative to respective said IDC, said rotation causing said respective IDC to displace insulation of respective said insulated conductor, wherein said plurality of insulated conductors are positioned within a conductor alignment structure, said conductor alignment structure maintaining a position of each of said insulated conductors relative to one of respective said IDCs during said rotation by supporting respective said insulated conductors on both longitudinal sides of respective said IDC.

The Examiner rejects claims 1, 3–6, and 8–12 under 35 U.S.C. § 102(b) as anticipated by Cieniawa (US 3,980,380; issued Sept. 14, 1976) and rejects claims 13–16 under 35 U.S.C. § 103(a) as unpatentable over Cieniawa in view of Davis (US 6,478,609 B1; issued Nov. 12, 2002).

Appellant does not present separate arguments specifically directed to dependent claims 3–6 and 9–16 (Appeal Br. 6). Therefore, these dependent claims will stand or fall with their parent independent claims 1 and 8, of which claim 1 is representative.

We sustain the Examiner’s rejections for the reasons given in the Final Office Action, the Examiner’s Answer, and below.

In rejecting representative claim 1 under § 102(b), the Examiner finds that Cieniawa discloses the claimed communication system including a conductor alignment structure 238A (i.e., of element 237) and 238B (i.e., of element 231) for maintaining a position of each insulated conductor 239 in the manner claimed (Final 2–4 (citing Cieniawa Fig. 14)).

Appellant argues that the Examiner unreasonably interprets the conductor alignment structure of claim 1 as encompassing more than one component (Appeal Br. 6). According to Appellant, “it is up to the [E]xaminer to show how a two-part structure which isn’t even locked in rotation can qualify as a conductor alignment structure when every embodiment of the [S]pecification shows the conductor alignment structure as a single integral piece which is consequently locked in rotation” (*id.*). Similarly, Appellant states “it is also up to the [E]xaminer to show how the apertures of 231 which are locked in rotation relative to the IDCs can qualify as a part of a conductor alignment structure in a manner which is consistent with [A]pplicant’s [S]pecification when every embodiment in [A]pplicant’s

[S]pecification shows the entire conductor alignment structure rotating relative to the IDCs” (*id.*).

In response, the Examiner points out that claim 1 does not define the claimed conductor alignment structure with any structural specificity and therefore the claimed structure broadly reads on Cieniawa’s two components (i.e., elements 231 and 237) that are assembled into a single integral piece (Ans. 2–3 (citing Cieniawa Fig. 16)). In this latter regard, the Examiner observes that Appellant’s characterization of the conductor alignment structure as a single integral piece is not supported by the language of claim 1 (*id.* at 3). Regardless, the Examiner determines that Cieniawa’s two components, once assembled together, constitute a single integral piece (*id.*). We emphasize that Appellant does not address, and accordingly does not show error in, any of these responses by the Examiner (i.e., no Reply Brief has been filed).

Appellant’s arguments are unpersuasive for multiple reasons. First, Appellant cites no Specification disclosures in support of the statements that “every embodiment” of the Specification shows the conductor alignment structure as having certain features such as a structure in the form of a single integral piece (*see* Appeal Br. 6). Moreover, even assuming every embodiment shows the conductor alignment structure as a single integral piece, interpreting the claimed structure as having this feature is not consistent with the express Specification disclosure that the described embodiments “are non-limiting, and there are alterations, permutations, and equivalents that fall within the scope of this invention” (Spec. ¶ 61). On the other hand, this paragraph 61 disclosure supports the Examiner’s claim interpretation that the conductor alignment structure of claim 1 encompasses

a structure having more than one component. In addition, Appellant's arguments are convincingly refuted by the Examiner's undisputed determination that claim 1 does not define the conductor alignment structure as a single integral piece and that, regardless, Cieniawa's elements 231 and 237, once assembled, constitute a single integral piece.

For the above-stated reasons and those given by the Examiner, Appellant fails to show error in the rejections of claims 1, 3-6, and 8-16.

We affirm the Examiner's decision to reject these claims.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

CONCLUSION

In summary:

Claims Rejected	Basis	Affirmed	Reversed
1, 3-6, 8-12	§ 102(b) Cieniawa	1, 3-6, 8-12	
13-16	§ 103(a) Cieniawa, Davis	13-16	
Overall Outcome		1, 3-6, 8-16	

AFFIRMED