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15/288,259	12/21/2016	Jack E. Caveney	LCB457-CON-4-CIP	7691
32915	7590	09/03/2020	EXAMINER	
PANDUIT CORP. 18900 Panduit Drive Tinley Park, IL 60487			PATEL, HARSHAD C	
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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* JACK E. CAVENEY, MASUD BOLOURI-SARANSAR, SCOTT  
M. LESNIAK, SATISH I. PATEL, and PAUL W. WACHTEL

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Appeal 2019-000209  
Application 15/288,259  
Technology Center 2800

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BEFORE ROMULO H. DELMENDO, KAREN M. HASTINGS, and  
RAE LYNN P. GUEST, *Administrative Patent Judges*.

GUEST, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the  
Examiner's decision to reject claims 1, 3 and 4. We have jurisdiction under  
35 U.S.C. § 6(b).

We AFFIRM.<sup>2</sup>

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<sup>1</sup> We use the word Appellant to refer to “applicant” as defined in 37 C.F.R.  
§ 1.42(a). Appellant identifies the real party in interest as Panduit Corp.  
Appeal Br. 1.

<sup>2</sup> In our Decision, we refer to the Specification (“Spec.”) filed Oct. 7, 2016;  
the Final Office Action dated Jan. 22, 2018 (“Final Act.”); the Appeal Brief

### CLAIMED SUBJECT MATTER

The claims on appeal are directed to a communications jack for receiving a plug having a plurality of jack contacts and a structure attached thereto “proximate to a plug/jack interface.” *See* Appeal Br. 7, Claim App’x, Claim 1. According to the Specification, a printed circuit board provided in a communications jack, in electrical contact with the contacts, provides crosstalk compensation in the transmission of high frequency data signals. Spec. ¶¶ 4–6. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A communication jack configured to receive a plug to form a communication connection, comprising:
  - a plurality of jack contacts, the plurality of jack contacts at least partially disposed within a plug receiving cavity in the jack;
  - a structure attached to at least one of the plurality of jack contacts proximate to a plug/jack interface, the structure connected to the at least one jack contact such as to route the current to flow generally orthogonal the jack contact at a point proximate to the plug/jack interface.

### REFERENCES

The Examiner relies upon the following prior art:

Name	Reference	Date
Young et al.	US 5,163,836	Nov. 17, 1992
Korsunsky et al.	US 6,663,437 B2	Dec. 16, 2003

### REJECTIONS

1. Claims 1 and 4 are rejected under 35 U.S.C. § 102 as being anticipated by Korsunsky.

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filed June 21, 2018 (“Appeal Br.”); the Examiner’s Answer dated Aug. 9, 2018 (“Ans.”); and the Reply Brief filed Oct. 9, 2018 (“Reply Br.”).

2. Claims 3 is rejected under 35 U.S.C. § 103 as being unpatentable over Korsunsky in view of Young.

#### OPINION

We review the appealed rejections for error based upon the issues identified by Appellant and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential), (cited with approval in *In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011)) (“[I]t has long been the Board’s practice to require an applicant to identify the alleged error in the [E]xaminer’s rejections.”). After considering the evidence presented in this Appeal and each of Appellant’s arguments, we affirm the Examiner’s decision to reject the claims on appeal.

Appellant presents arguments only for independent claim 1, as representative of all of the claims on appeal. *See* Appeal Br. 6. Accordingly, we limit our discussion below to the rejection of claim 1.

The Examiner finds that Korsunsky teaches the recited structural relationship “proximate to a plug/jack interface” in that neither the term “proximate” nor the Specification “specif[ies] one particular [] distance, length, dimension or structure” to distinguish over the prior art. Final Act. 5. The Examiner relies on dictionary definitions of “proximate” to mean “extremely close” or “very near.” *Id.*; Ans. 3.

Appellant contends that the Examiner erred in applying an overly broad meaning to the term “proximate” that is not consistent with Appellant’s Specification, particularly the background of the Specification,

allegedly distinguishing prior art<sup>3</sup> that Appellant asserts teaches a structure similar to Korsunsky. Appeal Br. 5–6; Reply Br. 4–5.

Appellant’s argument is not persuasive of error in the Examiner’s rejection. “[A]s an initial matter, the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant’s specification.” *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027(Fed. Cir. 1997). We agree with the Examiner that Appellant has directed us to no language in the Specification that would inform us as to the meaning of the term “proximate,” which does not appear in the Specification at all. Accordingly, a broad interpretation of the term is reasonable and not inconsistent with the written description.

It would be error to read into the claims any particular meaning to the term “proximate” relying only on the embodiments illustrated in the Figures of Appellant’s application, as argued by Appellant. Appeal Br. 5 (arguing the Figures illustrate structures “immediately adjacent to” and “no further than a couple of millimeters from the plug/jack interface.”) Our reviewing court has counseled that, absent claim language carrying a narrow meaning, the PTO should only limit broad claim terms based on the specification when those sources expressly disclaim the broader definition. *In re Bigio*, 381 F.3d 1320, 1324-25 (Fed. Cir. 2004). *See also In re Van Geuns*, 988

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<sup>3</sup> Appellant refers to U.S. Patent No. 6,305,950 as “Caveney;” yet the patent issued October 23, 2001 naming Michael V. Doorhy as the sole inventor. *See Spec.* ¶ 5. Accordingly, we refer to the patent here as the ’950 patent.

F.2d 1181, 1184 (Fed. Cir. 1993) (“[L]imitations are not to be read into the claims from the specification.”); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc) (“[A]lthough the specification often describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments.”). The Specification indicates that the Drawings illustrate preferred, and not the only, embodiments falling within the scope of the claimed invention. Spec. ¶¶ 88–159 (including heading labeled “Detailed Description of Preferred Embodiments”); *id.* ¶ 160 (“While particular embodiments and applications of the present invention have been illustrated and described, it is to be understood that the invention is not limited to the precise construction and compositions disclosed herein . . .”). Moreover, there is no indication that the drawings are to any particular scale. *Hockerson-Halberstadt Inc. v. Avia Group Int’l Inc.*, 222 F.3d 951, 956 (Fed. Cir. 2000); *see also In re Wright*, 569 F.2d 1124, 1127 (CCPA 1977) (“Absent any written description in the specification of quantitative values, arguments based on measurement of a drawing are of little value.”).

Similarly, Appellant’s direct us to nothing in the Specification distinguishing the ’950 patent based on any relative positioning of a structure vis-à-vis a plug/jack interface by any particular amount. *See generally* Appeal Br.; Reply Br. *See also* Spec. ¶¶ 5 (explaining the problem of the ’950 prior art being a “high level of crosstalk . . . at very high frequency signal rates”), 6 (summarizing the invention as “a communications connector utilizes a flexible printed circuit to provide crosstalk compensation. The flexible printed circuit is in electrical contact with contacts of the communications connector.”), 145 (“One advantage of

the present invention is that by having the signal perpetuate generally orthogonal to the plug interface contacts through the flexible printed circuit board, a shorter distance to compensation is enabled.”). Thus, Appellant has not shown the Examiner’s broad interpretation is inconsistent with Appellant’s Specification.

### CONCLUSION

The Examiner’s rejections are affirmed.

### DECISION SUMMARY

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 4	102	Korsunsky	1, 4	
3	103	Korsunsky, Young	3	
<b>Overall Outcome</b>			1, 3, 4	

### TIME PERIOD FOR RESPONSE

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).

**AFFIRMED**