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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* SHINYA YUDATE and MASANOBU OZAKI

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Appeal 2019-000423  
Application 13/579,403  
Technology Center 2800

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

HASTINGS, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

Appellant<sup>1</sup> appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection under 35 U.S.C. § 103(a) of claims 8, 12, 13, and 14 as unpatentable over at least the combined prior art of Chan (US 2002/0119697 A1; published Aug. 29, 2002), Matkovich (US 2005/0054238 A1; published March 10, 2005), and Angele (US 3,670,290, issued June 13, 1972).<sup>2</sup>

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<sup>1</sup> The real party in interest is stated to be "EX COMPANY LIMITED" (Appeal Br. 2).

<sup>2</sup> The Examiner additionally applies Peng (US 8,092,252 B2, issued Jan. 10, 2012) to the rejection of claims 13 and 14 (Final Action 4; Ans. 5), but a discussion of Peng is not needed for disposition of this Appeal.

We have jurisdiction over the Appeal under 35 U.S.C. § 6(b).  
We affirm.

### CLAIMED SUBJECT MATTER

Claim 8 is representative:

8. A mobile terminal connector comprising:
  - an approximately cylindrical housing having an upper wall, a lower wall and two side walls perpendicular thereto, wherein the upper wall and the lower wall each extend from one end of a connection terminal inserting side of the mobile terminal connector to an opposite end of a contact terminal side of the mobile terminal connector;
  - a support provided in a form of a wall in a rear section of the housing;
  - a contact terminal and a power terminal supported by the support;
  - a shell mounted inside the housing; and
  - a seal provided along an outer circumference adjacent to an end on a connection terminal inserting side of the housing, wherein the seal is welded to the housing and made of a resin softer than a resin of the housing, wherein an adhesive is provided in an innermost recess surrounded by an inside of an innermost peripheral wall of the housing and an innermost surface of the support.

Appeal Br. 21 (Claims Appendix).

### OPINION

Upon consideration of the evidence in this appeal and each of Appellant's contentions as set forth in the Appeal Brief filed June 4, 2018, as well as the Reply Brief filed October 24, 2018, we determine that Appellant has not demonstrated reversible error in the Examiner's rejection (e.g., Ans. 2–8 (mailed August 30, 2018)). *In re Jung*, 637 F.3d 1356, 1365–66 (Fed.

Cir. 2011) (explaining the Board’s long-held practice of requiring Appellant to identify the alleged error in the Examiner’s rejection). We sustain the rejections for the reasons expressed by the Examiner in the Final Office Action and the Answer. We add the following for emphasis.

It has been established that “the [obviousness] analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007); *see also In re Fritch*, 972 F.2d 1260, 1264–65 (Fed. Cir. 1992) (A reference stands for all of the specific teachings thereof as well as the inferences one of ordinary skill in the art would have reasonably been expected to draw therefrom).

Appellant first disputes the Examiner’s findings with respect to the housing of Chan as required in claim 8 (e.g., Appeal Br. 10–12; Reply Br. 2–5). Appellant also contends that the Examiner failed to provide proper reasoning to modify Chan with teachings from Matkovich and Angele (e.g., Appeal Br. 13–17; Reply Br. 5, 6). These arguments are not persuasive.

First, Appellant has not shown error in the Examiner’s position that the housing as recited in claim 8 encompasses the housing of Chan in accordance with the broadest reasonable interpretation of the claim terms (e.g., Final Action 3, 4; Ans. 2–4 (*de facto* explaining that Chan’s housing Fig. 1 has four walls as recited and likewise extends as recited; *see* Examiner’s annotated Fig. 5 of Chan)). *In re ICON Health & Fitness, Inc.*, 496 F.3d 1374, 1379 (Fed. Cir. 2007) (it is well established that “the PTO must give claims their broadest reasonable construction consistent with the specification” and if the Specification does not provide a definition for claim

terms, the PTO applies a broad interpretation). Appellant concedes that the Examiner’s interpretation is “possible,” but merely concludes that the broadest possible interpretation is not the broadest reasonable interpretation (Reply Br. 2) (emphasis omitted). This is not persuasive of error, as Appellant directs us to no limiting definition in the Specification or other evidence to contravene the Examiner’s interpretation nor any rationale as to why the Examiner’s interpretation is unreasonable.<sup>3</sup>

Second, Appellant’s arguments regarding how Chan’s washer 40 and cover 30 work such that it would not have been reasonable to weld seal 40 to the housing (e.g., Appeal Br. 13, 14) are not persuasive of error, since one of ordinary skill would have expected, from the teachings of Matkovich, that the seal 40 could indeed be welded to securely fasten the seal to the housing 20 (e.g., in groove 23) and the device cover would still function as intended to seal as discussed by the Examiner (e.g., Ans. 5).

Contrary to Appellant’s position, one of ordinary skill would have readily appreciated that the electrical connector of Angele is indeed analogous art to the claimed mobile terminal electrical connector<sup>4</sup> and also

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<sup>3</sup> We further note that since there are no size or directional limitations on the sides of the housing in the claim, one could also view the smaller side walls of Chan’s housing 20 as being encompassed by claim 8’s language that “each extend[s] from one end . . . to an opposite end . . .” (that is, when the connector is placed in a position where the shorter sides are respectively in an upper and lower position).

<sup>4</sup> *Cf. In re ICON*, 496 F.3d at 1379–80 (holding that analogous art with regard to a folding mechanism of a treadmill, may come from any area describing hinges, springs, latches, counterweights, or other similar mechanisms); *see also Wyers v. Master Lock Co.*, 616 F.3d 1231, 1238 (Fed. Cir. 2010) (“The Supreme Court’s decision in *KSR International Co. v.*

would have readily inferred that Angele’s adhesive/potting compound 72 would indeed have been useful to seal the other end of Chan’s electrical connector, and would have required no more than ordinary creativity (Ans. 6; Appeal Br. 15, 16). *KSR*, 550 U.S. at 421 (“A person of ordinary skill is also a person of ordinary creativity, not an automaton.”); *Ball Aerosol & Specialty Container, Inc. v. Limited Brands, Inc.*, 555 F.3d 984, 993 (Fed. Cir. 2009) (Under the flexible inquiry set forth by the Supreme Court, the PTO must take account of the “inferences and creative steps,” as well as routine steps, that an ordinary artisan would employ).

Finally, Appellant has not shown error in the Examiner’s determination that the language of separately argued dependent claim 12 encompasses Chan’s seal configuration (Ans. 7, 8; Appeal Br. 18). While Appellant asserts that the cover 30 of Chan would be unnecessary with the structure of claim 12 (Appeal Br. 19), the claim does not preclude the use of such a cover.

Accordingly, we affirm all of the Examiner’s rejections on appeal.

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*Teleflex, Inc.*, 550 U.S. 398 . . . (2007), directs us to construe the scope of analogous art broadly, stating that “familiar items may have obvious uses beyond their primary purposes . . .”).

DECISION SUMMARY

<b>Claims Rejected</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
8 and 12	§ 103 Chan, Matkovich, and Angele	8 and 12	
13 and 14	§ 103 Chan, Matkovich, Angele, and Peng	13 and 14	
<b>Outcome</b>		8 and 12–14	

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).

AFFIRMED