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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JASON O'YOUNG, ROBERT E. FRANSEN,
SAMUEL M. MARRS, SATISH I. PATEL,
PAUL W. WACHTEL, and ANDREW CIEZAK

Appeal 2019-000450
Application 15/028,039
Technology Center 2800

Before BRADLEY R. GARRIS, JEFFREY T. SMITH, and
BEVERLY A. FRANKLIN, *Administrative Patent Judges*.

SMITH, *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 and 20. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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.

The following rejection is presented for appeal:

Claims 1–3, and 20 are rejected under 35 USC 102(a)(2) as anticipated by Fransen et al. (US 2014/0273570 A1)².

Appellant’s invention relates to network jacks adapted for operating with more than one type of a plug. (Spec. ¶ 2). Claim 1 is illustrative of the subject matter on appeal and is reproduced below:

1. A communication connector, comprising:
 - a housing configured for receiving a communication plug;
 - a printed circuit board at least partially within said housing;
 - a rocker switch at least partially within said housing, said rocker switch configured to rotate about a pivot point for actuating said printed circuit board; and
 - a translating crossbar at least partially within said housing, said translating crossbar engaging said rocker switch and causing said rocker switch to rotate about the pivot point.

OPINION³

We have reviewed each of Appellant’s arguments for patentability. We will not sustain the Examiner’s rejection for essentially those reasons expressed by Appellant. Specifically, Appellant argues Fransen elements 101 and 94 are not a translating crossbar at least partially within a housing that engages with a rocker switch and causes the rocker switch to rotate about the pivot point as required by independent claim 1. (App. Br. 4–5).

² Provisional application 61/779,806, having priority date March 13, 2013.

³ We limit our initial discussion to independent claim 1.

The Examiner finds Fransen describes a communication connector comprising a translating crossbar element 101 or 94. (Final Act. 3) The Examiner states Fransen discloses “a translating crossbar 101 (or 94) at least partially within said housing, said translating crossbar 101 engaging said rocker switch 66 (through aperture 102) and causing said rocker switch to rotate about the pivot point (figs. 5 and 7).” (Final Act. 3–4) Fransen Figures 5 and 6 depicting elements 94 and 101 respectively, are reproduced below.

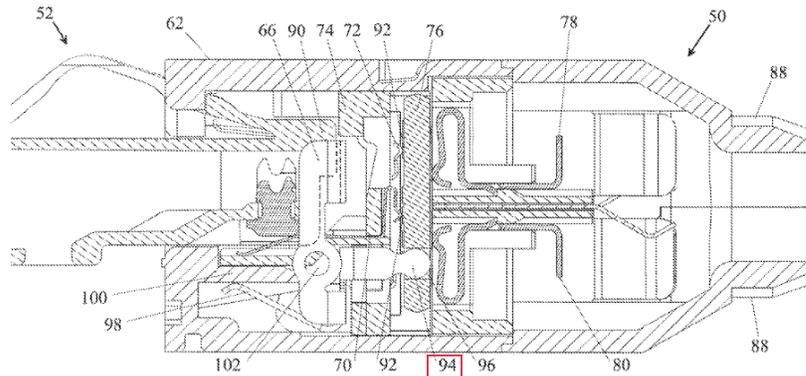


FIG.5

Fransen Figure 5 depicting the plug/jack and illustrating component 94.

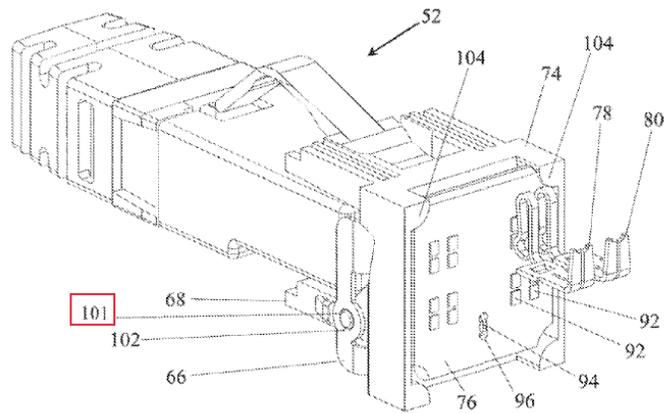


FIG. 6

Fransen Figure 6 depicting a rear isometric view of the plug/jack and illustrating component 101.

The Specification describes the translating crossbar as engaging a switch. The Specification specifically states:

A communication connector has a housing for receiving a communication plug, a printed circuit within the housing, a switch which actuates the printed circuit board, and a translating crossbar which engages the switch. The printed circuit board is moved dependent upon a type of plug inserted. The movement of the circuit board can help to selectively engage one of two sets of circuit traces and groupings of contacts. (Spec. ¶ 6).

Application Figure 5 which depicts the translating crossbar is reproduced below:

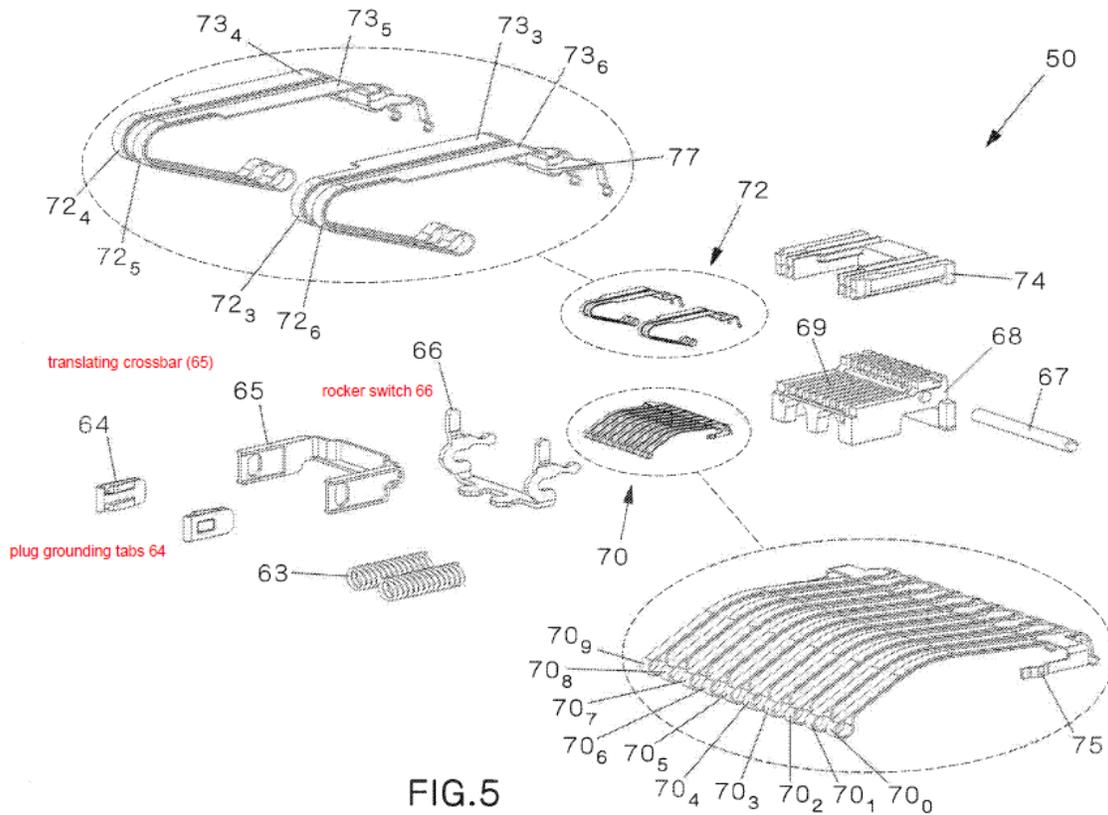


FIG. 5

Application figure 5

The Specification describes application figure 5 as follows:

Front nose assembly 120, shown exploded in Fig. 5, includes crossbar 65 with plug grounding tabs 64. When ARJ45 plug 54 is inserted into RJ45/ARJ45 jack 50, crossbar 65 pushes on rocker switch 66 which then pushes PCB 76 down into its high bandwidth mode (ARJ45). Springs 63 are compressed between metal housing 62 and rocker switch 66 such that it biases switchable RJ45/ARJ45 jack 50 to its RJ45 state when ARJ45 plug 54 is withdrawn from switchable RJ45/ARJ45 jack 50 causing the rocker switch to pull PCB 76 up into its RJ45 position. Rocker switch 66 toggles switchable jack 50 between the RJ45 and switched high bandwidth mode of operation based upon which type of plug is inserted. Hinge pin 67 is inserted into front PIC support structure 68 and holds rocker switch 66. (Spec. ¶ 24).

As is apparent from the above representations of the claimed invention, the translating crossbar 65 engages the rocker switch 66 and causes the rocker

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switch to rotate about a pivot point. Figure 6 depicts RJ45/ARJ45 jack 50 (housing) containing the translating crossbar 65 engaging the rocker switch 66. Contrary to the Examiner's position, Fransen elements 94 and 101 are not a translating crossbar as required by the claimed invention. Element 94 is an arm of the rocker switch 66 and element 101 is an axle. (Fransen ¶¶ 26, 29; fig. 5). Neither element 94 nor 101 engages a rocker switch and causes the rocker switch to rotate about the pivot point as required by the claimed invention.

For the foregoing reasons and those provided by Appellant, we do not sustain the appealed rejection.

DECISION

The Examiner's rejection is reversed.

DECISION SUMMARY

Claims Rejected	Basis	Affirmed	Reversed
1-3, 20	§ 102(a)(2)		1-3, 20
Overall Outcome			1-3, 20

REVERSED