

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAKAYOSHI ENDO and AKIRA MAEDA

Appeal No. 2000-1286
Application No. 08/832,672

HEARD: December 12, 2001

Before BARRETT, GROSS, and LEVY, Administrative Patent Judges.
GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 3, 6, and 7. Claims 2, 4, and 5 are withdrawn from consideration as directed to a non-elected species.

Appellants' invention relates to a connector fitting detection structure for detecting a fitted condition of two connectors. More specifically, when the two connectors are in a fitted condition, a short-circuiting electrode interposes between and electrically connects a pair of detection

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electrodes. Claim 1 is illustrative of the claimed invention,
and it reads as follows:

1. A connector fitting detection construction for
detecting a fitted condition of a first connector and a second
connector, comprising:

a lock arm, which is elastically flexible in a direction
generally perpendicular to a connector-fitting direction,
provided on said first connector;

a short-circuiting electrode mounted on said lock arm;
and

a pair of spaced apart detection electrodes projecting
from said second connector;

wherein, when said lock arm retainingly engages with said
second connector, said short-circuiting electrode interposes
between and electrically connects said pair of detection
electrodes.

The prior art reference of record relied upon by the
examiner in rejecting the appealed claims is:

Saijo et al. (Saijo)	5,464,353	Nov. 07,
1995		

Claims 1, 3, 6, and 7 stand rejected under 35 U.S.C.
§ 102(b) as being anticipated by Saijo.¹

Reference is made to the Examiner's Answer (Paper No. 16,
mailed September 28, 1999) for the examiner's complete

¹ We note that on page 3 of the Answer, the examiner withdrew a
rejection of claims 1, 3, 6, and 7 under 35 U.S.C. § 103(a).

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reasoning in support of the rejection, and to appellants' Brief (Paper No. 15, filed July 8, 1999) and Reply Brief (Paper No. 19, filed November 10, 1999) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art reference, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the anticipation rejection of claims 1, 3, 6, and 7.

Independent claim 1 recites, in pertinent part, "said short-circuiting electrode interposes between and electrically connects said pair of detection electrodes." The examiner asserts (Answer, page 4) that Saijo shows "short-circuiting electrode 14 interposes between and electrically connects the pair of detection electrodes 33a, 33b." Appellants, on the other hand, contend (Brief, pages 4-5, Reply Brief, pages 3-4) that Saijo's short-circuiting electrode cannot interpose between the detection electrodes as the detection electrodes abut against the short circuit electrode in a superimposing

fashion, and engagement rib 32 interposes between the two detection electrodes.

We agree with appellants. Figure 2 of Saijo clearly shows that engagement rib 32 interposes between detection electrodes 33a and 33b, and short circuiting electrode 14 electrically connects the detection electrodes by essentially wrapping around the engagement rib. Further, Saijo describes Figure 2 (column 6, lines 39-43) as including "a pair of lock detecting electrodes **33a** and **33b** . . . with the engagement rib **32** interposed therebetween" (underlining added for emphasis). Similarly, Saijo states (column 8, lines 25-28) that "the engagement rib **32** is interposed between both the lock detecting electrodes **33a** and **33b** while projection [sic] forward of the latter to serve as a partition wall for separating them away from each other." Thus, in Saijo's device, short-circuiting electrode 14 electrically connects but does not interpose between the detection electrodes, as required by claim 1.

"It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every

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element of the claim." ***In re King***, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986). ***See also Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick***, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). As Saijo fails to meet each and every limitation of the claim, Saijo cannot anticipate claim 1. Further, as claims 3, 6, and 7 depend from claim 1, and, therefore, include all of the limitations of claim 1, Saijo fails to anticipate claims 3, 6, and 7. Accordingly, we will not sustain the examiner's rejection of claims 1, 3, 6, and 7 under 35 U.S.C. § 102(b) over Saijo.

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CONCLUSION

The decision of the examiner rejecting claims 1, 3, 6,
and 7 under 35 U.S.C. § 102(b) is reversed.

REVERSED

LEE E. BARRETT)	
Administrative Patent Judge)	
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)	
)	
)	BOARD OF PATENT
ANITA PELLMAN GROSS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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STUART S. LEVY)	
Administrative Patent Judge)	

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