

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 9

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* VINEET GUPTA,  
BRIAN ALAN COTTERMAN,  
and  
SAMEER GUPTA

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Appeal No. 2003-1447  
Application No. 09/689,720

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ON BRIEF

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Before GARRIS, WARREN and MOORE, *Administrative Patent Judges*.  
MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the final rejection of claims 1-4, 7-14, and 17-21. Claims 5-6 and 15-16 have been canceled. [check this] Thus, only claims 1-4, 7-14, and 17-21 are before us on this appeal.

REPRESENTATIVE CLAIM

The appellants have indicated (Brief, page 4) that they are agreeable to the examiner's grouping the claims together by

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rejection.<sup>1</sup> Consistent with this indication, Appellant has made no separate arguments with respect to the remaining claims.

Accordingly, all the claims will stand or fall together, and we will select claim 1, the broadest independent claim<sup>2</sup>, and claim 8, a dependent claim, as representative of all of the claims on appeal. Note In re Dance, 160 F.3d 1339, 1340 n.2, 48 USPQ2d 1635, 1636 n.2 (Fed. Cir. 1998); In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137 (Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983). They read as follows:

1. An automotive electronic component comprising:
  - a base component; and
  - a face plate which is detachable from said base component;
  - a cantilever element mounted on said base component;
  - a rib element rigidly mounted on said face plate;

wherein during removal of said face plate from said base component, said rib element engages said cantilever element and prevents complete disengagement of said face plate from said base component until an additional force is applied to said face plate.

8. An automotive electronic component as described in

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1 The examiner has stated (Examiner's Answer, page 2, paragraph 7) that the appellants' brief includes a statement and reasons why the claims do not stand or fall together per 37 C.F.R. 1.192(c)(7) and (c)(8). This is incorrect.

2 It appears that claim 11 is a virtual duplicate of claim 1 (omitting the article "a" before elements). In the event of further prosecution, the appellants should explain precisely how the claims differ in scope and the examiner should consider an appropriate rejection.



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I. The Rejection of Claims 1-4, 7, 9-14, and 18-21 under 35 U.S.C. § 102(b) as being anticipated by Takagi.

The examiner has found that Takagi discloses an automotive electronic component for use in an automotive stereo system, comprising a face plate which is detachable from a base component, a cantilever element on the base component, and a rib element rigidly mounted on the face plate, wherein during removal of the face plate from the base, the rib engages the cantilever and prevents complete disengagement of the face plate from the base component until an additional force is applied to the face plate. (Examiner's Answer, page 3, line 18 - page 4, line 8).

The appellants, on the other hand, assert that Takagi's cantilever element is not a cantilever, rather, it is a spring actuated pivot arm (Appeal Brief, page 6, lines 5-8).

It is clear that this entire case rests on the definition of cantilever. None is provided in the specification, other than by reference to the projection numbered 16 in figures 2 and 3. Our dictionary contains the following definition of cantilever:

**can·ti·le·ver** (kăn'tl-ē'vər, -ěv'ər) *noun*

1. A projecting structure, such as a beam, that is supported at only one end.
2. A member, such as a beam, that projects beyond a fulcrum and is supported by a balancing member or a downward force behind the fulcrum.

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3. A bracket or block supporting a balcony or cornice.<sup>3</sup>

The appellant urges that a strict engineering definition of cantilever must be utilized - in that one end must be affixed in six degrees of freedom and one end must be free in six degrees of freedom. Certainly, we agree that a cantilever needs be fixed at one end.

We also agree with the appellants that Takagi's structure 27 is not a cantilever. First, it is not fixed in any sense (it has a range of motion along arrows AB and CD) and is not supported on one end.

If structure 27 is not a cantilever, then this claim element has not been shown to be present in the prior art. Anticipation under 35 U.S.C. Section 102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Consequently, we reverse this rejection.

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<sup>3</sup>Excerpted from *The American Heritage Dictionary of the English Language, Third Edition* Copyright © 1992 by Houghton Mifflin Company.

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II. The Rejection of Claims 8 and 17 under 35 U.S.C. §103(a)  
as being unpatentable over Takagi.

The examiner has found that Takagai discloses all of the limitations of the claimed invention, except for a rib element that is molded directly into the faceplate. (Examiner's Answer, page 6, lines 11-12). The examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a rib element molded directly into the faceplate in order to prevent shock and make a low cost for manufacturing.

As this rejection relies in part on the rejection we have previously reversed, we reverse this rejection for the reasons enumerated above.

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Summary of Decision

The rejection of Claims 1-4, 7, 9-14, and 18-21 under 35 U.S.C. § 102(b) as being anticipated by Takagi is reversed.

The Rejection of Claims 8 and 17 under 35 U.S.C. §103(a) as being unpatentable over Takagi is reversed.

**REVERSED**

BRADLEY R. GARRIS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
CHARLES F. WARREN	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

JTM/ki

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