THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DOUGLAS S. CLEMENT and DONALD P. LALLEY

Appeal No. 97-0946
Application No. 08/494,142[1]

ON BRIEF

Before CALVERT, Administrative Patent Judge, McCANDLISH, Senior Administrative Patent Judge, and McQUADE, Administrative Patent Judge.

CALVERT, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims

[1] Application for patent filed June 23, 1995. According to appellants this application is a continuation of Application
No. 08/071,707, filed June 4, 1993, now abandoned.

1 to 9, all the claims in the application.

The claims on appeal are drawn to an inductive amplifier, and are reproduced in the appendix to appellants' brief.

The references applied in the final rejection are:

Campbell et al. (Campbell)	3,711,767	Jan. 16, 1973
Ellingen et al. (Ellingen)	4,942,356	Jul. 17, 1990
Murata et al. (Murata)	5,014,005	May 7, 1991

The admitted prior art inductive amplifier shown in Figs. 3 and 4 of the application.

Claims 1 to 9 stand finally rejected under 35 U.S.C. § 103 as unpatentable over the admitted prior art inductive amplifier of appellants' Figs. 3 and 4 in view of Ellingen, Campbell or Murata.

Considering claim 1, the only independent claim on appeal, appellants acknowledge, in effect, that elements a, b, c, and d thereof, as well as a housing having an outer surface and first and second electrical terminals, are present in the admitted device of Figs. 3 and 4. The examiner takes the position that the remainder of the claimed structure would have been obvious to one of ordinary skill in view of any of the three secondary references, each of which discloses an electric device having electrical terminals disposed within a recessed area on the outer housing. In particular the examiner notes Ellingen's teaching at col. 4, lines 5 to 20, that recessing of the outermost end of connector 70 (which is

on main unit 30 and has pins 71), and of connector 75 (which is on module 50), will provide some protection from dirt and grease.

After fully considering the record in light of the arguments presented in appellants' brief and reply brief, and in the examiner's answer, we conclude the rejection of claim 1 should not be sustained. While all three secondary references certainly do disclose recessed terminal pins, each of them is for a
plug-in type of connection, whereas the ears 32, 34 of the prior art amplifier of appellants' Figs. 3 and 4 are designed for the attachment of clips, such as (in the language of claim 1) the "electrical clips of a shorting wire or electrical clips of a telecommunications butt set." In view of this difference between the clip-on type of temporary connection used with the
Figs. 3 and 4 prior art amplifier and the plug-in connection of Ellingen, Campbell or Murata, we do not consider that one of ordinary skill would find any suggestion or motivation in the secondary references to modify the prior art amplifier of appellants' Figs. 3 and 4 in such a manner as to result in the

amplifier defined in claim 1. Any such modification would, in our view, be the result of impermissible hindsight derived from appellants' own disclosure.

The rejection of dependent claims 2 to 9 will likewise not be sustained.

Conclusion

The examiner's decision to reject claims 1 to 9 is reversed.

REVERSED

IAN A. CALVERT Administrative Patent Judge	)
HARRISON E. McCANDLISH Senior Patent Judge	) BOARD OF PATENT) APPEALS) Administrative) INTERFERENCES
JOHN P. McQUADE Administrative Patent Judge	)

AND

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REVERSED

Prepared: July 19, 1999