

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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROBERT A. WANDMACHER, LAWRENCE C. CHOR,  
and JOHN T. LARSON

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Appeal No. 1998-2981  
Application No. 08/763,390

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ON BRIEF

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Before FLEMING, DIXON, and GROSS, Administrative Patent Judges.

FLEMING, Administrative Patent Judge.

***DECISION ON APPEAL***

This is a decision on appeal from the final rejection of claims 1-7 and 10. Claims 8 and 9 are canceled.

The invention relates to use of stress control means to control electrical stress in a region of high electrical field strength due to a shield discontinuity in high voltage cable or electrical equipment, for example, electrical bushings, and joints or terminations of high voltage cables. The present invention includes an elastically recoverable elastomer insulating sleeve which is provided with an inner support or core. Between the sleeve and core is disposed a two part stress control system consisting of a non-tacky, void-filling conformable stress control material surrounded by an elastomer stress control tube. In one embodiment, the conformable stress control material is disposed in contact with the cut end of the cable shield and extends along the cable insulation. The conformable stress control material is also in contact with the cut end of the cable insulation and lug.<sup>1</sup>

Independent claim 1 is as follows:

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<sup>1</sup>See pages 1-3 and 16 of the specification.

Appeal No. 1998-2981  
Application No. 08/763,390

1. A termination for an electrical power cable including an inner conductor, electrical insulation surrounding the conductor and a semi-conductive shield surrounding the insulation, wherein

the shield is removed to a predetermined length and the insulation is removed to a lesser predetermined length to expose the conductor, the termination comprising:

a first region of relatively high permittivity conformable stress control material in contact with a cut end of the cable shield and extending along the cable insulation;

a second region of relatively high permittivity conformable stress control material disposed in contact with a cut end of the cable insulation; and

a polymeric electrically insulating layer extending from a first end of the termination to a second end of the termination, the electrically insulating layer disposed over said first and second regions of relatively high permittivity conformable stress control material.

The Examiner relies on the following references:

Bahder et al. (Bahder)	3,846,578	Nov. 5,
1974		
Nelson	4,363,842	Dec. 14,
1982		
Senior et al. (Senior)	4,378,463	Mar. 29,
1983		
Ballet	FR 2,371,804	Jun.
16, 1978		

Claims 1, 5 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Bahder in view of Senior. Claims 2-4

Appeal No. 1998-2981  
Application No. 08/763,390

are rejected under 35 U.S.C. § 103 as being unpatentable over Bahder in view of Senior as applied to claim 1 and further in view of Nelson. Claims 6 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Bahder in view of Senior as applied to claim 1 and further in view of Ballet.

Rather than reiterate all arguments of Appellants and the Examiner, reference is made to the brief and answer for the respective details thereof.<sup>2</sup>

#### **OPINION**

In reaching our decision in this appeal, we have given careful consideration to Appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by Appellants and the Examiner.

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<sup>2</sup> Rather than attempt to reiterate the Examiner's full commentary with regard to the above-noted rejections and the conflicting viewpoints advanced by the Examiner and Appellants regarding the rejections, we make reference to the Examiner's answer (Paper No. 11, mailed June 5, 1998) for the reasoning in support of the rejections, and to Appellants' brief (Paper No. 10, filed May 14, 1998) for the arguments thereagainst.

Appeal No. 1998-2981  
Application No. 08/763,390

We will not sustain the rejection of claims 1-7 and 10 under 35 U.S.C. § 103.

In the rejection of claims 1 and 5, the Examiner cites Bahder for disclosure of all claimed elements with exception of the use of a high permittivity stress control material.<sup>3</sup>

Citing use of semi-conducting cups 4 and 5 as well as use of filler 15 to transmit electrical potential to insulating sleeve 10, Appellants argue that Bahder teaches away from use of filler 15 to control stress at the cut ends of cable insulation 6 and 7.<sup>4</sup>

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." *In re Hiniker Co.*, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998). Moreover, when interpreting a

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<sup>3</sup> See page 4 of the answer.

<sup>4</sup> See page 10 of the brief.

Appeal No. 1998-2981  
Application No. 08/763,390

claim, words of the claim are generally given their ordinary and accustomed meaning unless it appears from the specification or the file history that they were used differently by the inventor. **Carroll Touch, Inc. v. Electro Mechanical Sys., Inc.**, 15 F.3d 1573, 1577, 27 USPQ2d 1836, 1840. Although an inventor is indeed free to define the specific terms used to describe his or her invention, this must be done with reasonable clarity, deliberateness, and precision. **In re Paulsen**, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994).

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a **prima facie** case of obviousness (**see In re Rijckaert**, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993); **In re Oetiker**, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992)), which is established when the teachings of the prior art itself would appear to have suggested the claimed subject matter to one of ordinary skill in the art (**see In re Bell**, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993)).

Appeal No. 1998-2981  
Application No. 08/763,390

The Examiner has failed to set forth a *prima facie* case. It is the burden of the Examiner to establish why one having ordinary skill in the art would have been led to the claimed invention by the express teachings or suggestions found in the prior art, or by implications contained in such teachings or suggestions. *In re Sernaker*, 702 F.2d 989, 995, 217 USPQ 1, 6 (Fed. Cir. 1983). "Additionally, when determining obviousness, the claimed invention should be considered as a whole; there is no legally recognizable "heart" of the invention." *Para-Ordnance Mfg., Inc. v. SGS Importers Int'l, Inc.*, 73 F.3d 1085, 1087, 37 USPQ2d 1237, 1239 (Fed. Cir. 1995); *cert. denied*, 117 S. Ct. 80 (1996) *citing W. L. Gore & Assocs., Inc. v. Garlock Inc.*, 721 F.2d 1540, 1548, 220 USPQ 303, 309 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Claims 1 and 5, which depend therefrom, recite use of two regions of stress control material. The first region is "in contact with a cut end of the cable shield and [extends] along the cable insulation" and the second region is "disposed in

Appeal No. 1998-2981  
Application No. 08/763,390

contact with a cut end of the cable insulation." We find that while filler 15 of Bahder may constitute a first region as recited in claim 1, it cannot meet the limitation of the second region. Specifically, the cut ends of cable insulation 6 and 7 abut semi-conducting cups 4 and 5. Thus, filler 15 cannot be in contact with these ends. In addition, there is no indication in the reference that cups 4 and 5 are conformable material.

In light of the foregoing, we will not sustain the standing rejection under 35 U.S.C. § 103 of claims 1 and 5 nor of claims 2-4, 6, 7, and 10 which depend on claim 1.

**REVERSED**

Appeal No. 1998-2981  
Application No. 08/763,390

MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
ANITA PELLMAN GROSS	)	
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