

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEORGE PALASKAS and SHANTHI Y. PAVAN

Appeal No. 2002-2276
Application No. 09/472,702

ON BRIEF

Before JERRY SMITH, FLEMING, and RUGGIERO, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the Examiner's rejection of claims 1-4, 11, 12, 20, and 21. Claims 5-10, 13-19, and 22 have been allowed.

The disclosed invention relates to a transconductance setting circuit and method in which a reference voltage is applied to a transconductor, which is coupled to a reference current source and a feedback loop, to produce a current output.

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The current output is compared with the reference current to produce a current difference or error. The feedback loop is utilized to set the transconductance of the transconductor to a value proportional to the ratio of the reference current and the reference voltage.

Claim 1 is illustrative of the invention and reads as follows:

1. A transconductance-setting and maintenance circuit, comprising:

a reference voltage source having positive and negative terminals;

a first transconductor coupled to said reference voltage and producing a current output;

a reference current source coupled to said first transconductor, and

a feedback loop coupled to said first transconductor and said reference current source, said feedback loop reducing error in said current output and setting the transconductance of said first transconductor to a value proportional to the ratio of said reference current and said reference voltage.

The Examiner relies on the following prior art:

Chambers et al. (Chambers)	5,530,399	Jun. 25, 1996
Luo	6,111,467	Aug. 29, 2000
		(filed May 04, 1998)

Claims 1, 11, 12, 20, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chambers. Claims 2-4 stand

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rejected under 35 U.S.C. § 103(a) as being unpatentable over Chambers in view of Luo.¹

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Briefs² and Answer for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the Examiner and the evidence of anticipation and obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the disclosure of Chambers fully meets the invention as recited in claims 1, 11, 12, 20, and 21. In addition, we are of

¹ As indicated at page 2 of the Answer, the Lee reference (U.S. Patent No. 5,751,183) has been withdrawn from this rejection.

² The Appeal Brief was filed May 8, 2002 (Paper No. 15). In response to the Examiner's Answer mailed June 17, 2002 (Paper No. 16), a Reply Brief was filed August 19, 2002 (Paper No. 17), which was acknowledged and entered by the Examiner as indicated in the communication dated September 10, 2002 (Paper No. 18).

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the opinion that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the obviousness of the invention set forth in claims 2-4. Accordingly, we affirm.

We consider first the Examiner's 35 U.S.C. § 102(b) rejection of claims 1, 11, 12, 20, and 21 based on Chambers. At the outset, we note that anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to claims 1, 20, and 21, the Examiner indicates (Answer, page 3) how the various limitations are read on the disclosure of Chambers. In particular, the Examiner directs attention to the illustration in Figure 5 of Chambers along with the accompanying description beginning at column 5, line 47.

After reviewing the Examiner's analysis, it is our opinion that the stated position is sufficiently reasonable that we find

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that the Examiner has at least satisfied the burden of presenting a prima facie case of anticipation. The burden is, therefore, upon Appellants to come forward with evidence and/or arguments which persuasively rebut the Examiner's prima facie case. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the Briefs have not been considered (see 37 CFR § 1.192(a)).

Appellants' arguments in response assert that the Examiner has not shown how each of the claimed elements are present in the disclosure of Chambers so as to establish a case of anticipation. Appellants' primary point of contention (Brief, pages 4 and 5; Reply Brief, page 2) is that the circuit structure of Chambers lacks any element which would correspond to the presently claimed reference current source.

After careful review of the Chambers reference in light of the arguments of record, we are in general agreement with the Examiner's position as stated in the Answer. Our interpretation of the disclosure of Chambers coincides with that of the Examiner, i.e., while the terminology "reference current source" is not used by Chambers, it is apparent to us that elements 505 and 502 produce a current I_{source} which ultimately results in a

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proportional reference current value I_{sink} . This I_{sink} value is compared with the current output from OTA 504 at the input of feedback circuit 508 which operates to drive the OTA 504 output current to be equal to the reference value I_{sink} (Chambers, column 3, lines 27-35). Further, the reference current source elements 505 and 502 are connected to feedback loop 508 through D/A converter 506.

In view of the above discussion, since all of the claimed limitations are present in the disclosure of Chambers, the Examiner's 35 U.S.C. § 102(b) rejection of claims 1, 20, and 21 is sustained.

We also sustain the Examiner's 35 U.S.C. § 102(b) rejection, based on Chambers, of appealed claims 11 and 12 which specify that the claimed circuit is an input stage for a filter. Appellants' arguments to the contrary notwithstanding, we find clear disclosure in Chambers, as pointed out by the Examiner (Answer, page 6), of the use of the transconductance setting circuit illustrated in Figure 5 as an input stage of a filter as illustrated in Figure 6.

Turning to a consideration of the Examiner's 35 U.S.C. § 103(a) rejection of claims 2-4 based on the combination of Chambers and Luo, we sustain this rejection as well. With

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respect to claims 2-4, the extent of Appellants' arguments (Brief, pages 6 and 7) is to repeat the language of the claims with a general allegation that the references do not teach or suggest the claimed limitations. Simply pointing out what a claim requires with no attempt to point out how the claims patentably distinguish over the prior art does not comply with 37 CFR § 1.192(c)(8) and does not amount to a separate argument for patentability. In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d 1525, 1528 (Fed. Cir. 1987). Further, our review of the Examiner's position finds no error in the Examiner's analysis (Answer, page 8) which identifies corresponding structure in the disclosure of Chambers as well as establishing proper motivation for combining Chambers with Luo so as to establish a prima facie case of obviousness.

In summary, we have sustained the Examiner's 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) rejections of all of the claims on appeal. Therefore, the decision of the Examiner rejecting claims 1-4, 11, 12, 20, and 21 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JERRY SMITH)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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