

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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT ALVARREZ, PAUL R. MOEHLE
and HAROLD T. KELLHER

Appeal No. 2005-0883
Application No. 08/964,518

ON BRIEF

Before MCQUADE, NASE and KRASS, Administrative Patent Judges.

MCQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Robert Alvarez et al.¹ appeal from the final rejection of claims 1 through 14, all of the claims pending in the application.²

¹ Although the various papers of record filed by the appellants, including the declaration and power of attorney, indicate that the name of the first listed applicant is Robert Alvarez, the papers of record generated by the USPTO show the name as Robert Alvarez. This inconsistency should be rectified upon return of the application file to the technology center.

² Claims 1, 6 and 10 have been amended subsequent to final rejection. After initially refusing to enter the subject amendments, the examiner reconsidered and entered same in response to a petition filed by the appellants.

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Attention is directed to the main and reply briefs (Paper Nos. 12 and 14) and answer (Paper No. 13) for the respective positions of the appellants and examiner regarding the merits of this rejection.

DISCUSSION

Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). In other words, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Hojyo discloses a leadframe assembly designed to prevent deformation of its leads during various manufacturing processes. Figures 1 through 3 show a leadframe 10 stamped from a strip of metal and still attached to peripheral side rails 16 and section bars 18. The leadframe includes a centrally-located die pad 11 defined by a partially plated part 19 connected to the side rails and section bars by tie bars 17 and a plurality of leads 12 spaced from and extending outwardly of the die pad to the side

rails and section bars. The assembly also includes a resin lead-retaining section 14 molded to and between the inner portions of the leads (see Figures 4 through 6), and a chip 22 mounted on the die pad and electrically connected to the leads.

Independent claims 1 and 6 recite a leadframe/stabilizer comprising, inter alia, a stabilizer which (1) extends partially along the length of and on each side of the leadframe leads and (2) includes a die pad mount integral with and forming a part of the stabilizer. Similarly, independent claim 10 recites a method for stabilizing the leads of a leadframe comprising, inter alia, the steps of (1) providing a stabilizer having a die pad integral therewith and (2) adhering the stabilizer along part of the length and on each side of the leadframe leads. In rejecting these claims as being anticipated by Hojyo (see pages 3 through 5 in the answer), the examiner reads the stabilizer limitations on Hojyo's lead retaining section 14 and the die pad or die pad mount limitations on Hojyo's die pad 11. The appellants counter that anticipation does not lie because "in Hojyo . . . die pad 11 is separate from the rectangle 14, not integral as required by [claims 1, 6 and 10]" (reply brief, page 2).

Hojyo discloses the die pad 11 and lead retaining section 14 as separate and distinct elements which are made of disparate

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materials and incorporated into the leadframe assembly at different times. Hence, even if the lead retaining section 14 constitutes a stabilizer extending or adhered partially along the length of and on each side of leads 12 as recited in the appealed claims, a person of ordinary skill in the art would not consider the die pad 11 to be integral with and a part of this stabilizer as recited in claims 1 and 6, or the production of the leadframe assembly to involve the steps of (1) providing a stabilizer having a die pad integral therewith and (2) adhering the stabilizer to the leads as recited in claim 10. Thus, the examiner's determination that Hojyo meets the above noted limitations in claims 1, 6 and 10 is unsound.

Consequently, we shall not sustain the standing 35 U.S.C. § 102(b) rejection of independent claims 1, 6 and 10, and dependent claims 2 through 5, 7 through 9 and 11 through 14, as being anticipated by Hojyo.

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SUMMARY

The decision of the examiner to reject claims 1 through 14
is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
)	
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)	
)	BOARD OF PATENT
JOHN P. MCQUADE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
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)	
JEFFREY V. NASE)	
Administrative Patent Judge)	

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REVERSED

November 26, 2005