

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte CHRISTOPHER A. BODE, ALEXANDER J. PASADYN,  
ANTHONY J. TOPRAC, JOYCE S. OEY HEWETT,  
ANASTASIA OSHELSKI PETERSON, THOMAS J. SONDERMAN,  
AND MICHAEL L. MILLER

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Appeal No. 2006-0662  
Application No. 09/824,301

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ON BRIEF

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Before HAIRSTON, KRASS, and RUGGIERO, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 7, 11 through 15, 17, 18, 22 through 26, 28 through 37 and 41 through 44.

The disclosed invention relates to a process controller for a tool that receives a tool event notification, and initializes an operation control model for the tool based upon the tool event notification.

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

1. A method for initializing process controllers based on tool event data, comprising:  
providing a tool having a process controller adapted to employ a control model to control an operating recipe of the tool;

receiving a tool event notification; and  
initializing the control model in response to receiving the tool event notification.

The references relied on by the examiner are:

Vickers	5,659,467	Aug. 19, 1997
Klimasauskas	6,110,214	Aug. 29, 2000
Runnels	6,169,931	Jan. 2, 2001
Mendez et al. (Mendez)	US 2001/0039462	Nov. 8, 2001
Jevtic et al. (Jevtic)	US 2002/0147960	Oct. 10, 2002

Claims 1, 2, 4, 6, 11 through 13, 17, 22 through 24, 28, 30, 31, 34, 41 and 42 stand  
rejected under 35 U.S.C. § 102(e) as being anticipated by Runnels.

Claims 1, 2, 4, 6, 7, 11, 13, 17, 18, 22, 24, 28 through 31, 34 and 42 stand rejected under  
35 U.S.C. § 102(e) as being anticipated by Mendez.

Claims 35 through 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over  
Mendez in view of Jevtic.

Claims 3, 5, 32 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over  
Mendez in view of Vickers.

Claims 14, 15, 25, 26, 43 and 44 stand rejected under 35 U.S.C. § 103(a) as being  
unpatentable over Mendez in view of Klimasauskas.

Reference is made to the brief and the answer for the respective positions of the appellants  
and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the anticipation rejection of claims 1, 2, 4, 6, 11 through 13, 17, 22 through 24, 28, 30, 31, 34, 41 and 42 based upon the teachings of Runnels, and reverse the anticipation rejection of claims 1, 2, 4, 6, 7, 11, 13, 17, 18, 22, 24, 28 through 31, 34 and 42 based upon the teachings of Mendez. The obviousness rejections of claims 3, 5, 14, 15, 25, 26, 32, 33, 35 through 37, 43 and 44 are also reversed.

Turning first to the anticipation rejection based upon the teachings of Runnels, appellants argue (brief, page 7) that Runnels does not teach “receiving a tool event notification,” and “initializing a control model of a processing tool in response to receiving the tool event notification.”

A “tool event” is described in appellants’ disclosure as a periodic preventative maintenance procedure performed on a tool to keep it in optimum operating condition (specification, pages 4 and 11). One of the preventative maintenance procedures described by appellants is the periodic conditioning of a polishing pad on a chemical mechanical polishing (CMP) tool (specification, pages 4, 9, 10 and 11). Appellants’ argument to the contrary notwithstanding, Runnels discloses the same polishing pad conditioning in a CMP tool (Figure 9; column 1, line 57 through column 2, line 4; column 3, line 67 through column 4, line 14; column 6, lines 1 through 8; column 7, lines 13 through 18; column 9, line 1 through column 10, line 30;

column 11, lines 1 through 23). Thus, the anticipation rejection of claims 1, 2, 4, 6, 11 through 13, 17, 22 through 24, 28, 30, 31, 34, 41 and 42 based upon the teachings of Runnels is sustained because the conditioning of the polishing pad is a “tool event,” and the processor for controlling the tool conditioning model receives notification of the tool event to thereby initialize the control model initial value for the newly conditioned polishing pad (Abstract; column 3, line 67 through column 4, line 14; column 9, lines 3 through 37).

Turning next to the anticipation rejection based upon the teachings of Mendez, appellants argue (brief, page 8) that Mendez does not teach “receiving a tool event notification, as that term is defined in the specification.” The examiner is of the opinion (answer, pages 12 and 13) that the input to logic component 52 of updated tool drift parameters that adjust for drift in tool polishing characteristics during the running of the CMP tool is “receiving a tool event notification.” The examiner’s contentions to the contrary notwithstanding, Mendez provides the noted input to logic component 52 during the normal running operation of the CMP tool, and is silent as to use of this input during a “tool event” maintenance procedure on the CMP tool. For this reason, the anticipation rejection of claims 1, 2, 4, 6, 7, 11, 13, 17, 18, 22, 24, 28 through 31, 34 and 42 based upon the teachings of Mendez is reversed.

The obviousness rejections of claims 3, 5, 14, 15, 25, 26, 32, 33, 35 through 37, 43 and 44 are reversed because the teachings of Jevtic, Vickers and Klimasauskas fail to cure the noted shortcoming in the teachings of Mendez.

DECISION

The decision of the examiner rejecting claims 1, 2, 4, 6, 11 through 13, 17, 22 through 24, 28, 30, 31, 34, 41 and 42 under 35 U.S.C. § 102(e) based upon the teachings of Runnels is affirmed. The decision of the examiner rejecting claims 1, 2, 4, 6, 7, 11, 13, 17, 18, 22, 24, 28 through 31, 34 and 42 under 35 U.S.C. § 102(e) based upon the teachings of Mendez is reversed. The decision of the examiner rejecting claims 3, 5, 14, 15, 25, 26, 32, 33, 35 though 37, 43 and 44 under 35 U.S.C. § 103(a) is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136 (a) (1) (iv).

AFFIRMED-IN-PART

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
ERROL A. KRASS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	

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