

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* TERRY L. GILTON

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Appeal No. 2006-1466  
Application No. 10/230,838

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ON BRIEF

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Before KIMLIN, WALTZ, and TIMM, *Administrative Patent Judges*.

WALTZ, *Administrative Patent Judge*.

**DECISION ON APPEAL**

This is a decision on an appeal from the primary examiner's final rejection of claims 1, 9 and 12. Claims 13 through 18 stand allowed by the examiner, while claims 2 through 8, 10 and 11 stand objected to by the examiner as depending on a rejected claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims (final Office action dated April 25, 2005, page 3; Brief, page 2). Claims 1 through 18 are the only claims pending in this application.

We have jurisdiction pursuant to 35 U.S.C. § 134.

According to appellant, the invention is directed to a system for removing resist

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from a semiconductor device structure, which system comprises a wafer support, a source of resist stripper, an applicator, a source of a chemical that forms gas in the resist stripper, and a chemical output element in communication with the source of the chemical and configured to direct the chemical toward the wafer support such that the resist stripper substantially continuously moves across a surface of a component on the wafer support (Brief, pages 4-5). Illustrative independent claim 1 is reproduced below:

A system for removing resist from a semiconductor device structure, comprising:  
a wafer support;  
a source of resist stripper, the resist stripper including a gaseous component comprising ozone;  
an applicator in communication with the source and configured to apply a quantity of the resist stripper toward the wafer support;  
a source of a chemical that forms gas in the resist stripper; and  
a chemical output element in communication with the source of the chemical, the chemical output element configured to direct the chemical toward the wafer support such that the resist stripper substantially continuously moves across a surface of a component on the wafer support.

The examiner relies on Noda et al. (Noda), U.S. Patent No. 6,517,998, issued on February 11, 2003 (filed July 12, 2000), as the sole evidence of unpatentability (Answer, page 2). Claims 1, 9 and 12 stand rejected under 35 U.S.C. § 102(e) as anticipated by Noda (*id.*). We affirm the rejection on appeal essentially for the reasons stated in the Answer, as well as those reasons set forth below.

## OPINION

The examiner finds that Noda teaches a system for removing resist (photoresist) from a semiconductor device structure comprising a wafer support, a source of resist

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stripper, including a gaseous component comprising ozone, an applicator, a source of a chemical that forms gas (ozone) in said resist stripper, and a chemical output element in communication with the source of said chemical, configured to direct said chemical toward said wafer support such that the resist stripper substantially continuously moves across a surface of a component on said wafer support (Answer, paragraph bridging pages 2-3). We note that the examiner finds that the same component of the system of Noda (33) acts as the applicator and chemical output element of the claimed system (*id.*).

Appellant argues that Noda does not expressly or inherently describe any system that includes a “chemical output element” as required by claim 1 on appeal (Brief, page 7; Reply Brief, page 3). Appellant notes that the embodiments of Figures 1, 4, 5, and 8 of Noda do not include a source of resist stripper including a gaseous component (ozone)(Reply Brief, page 3). Appellant argues that the only remaining embodiments of systems taught by Noda include a source of resist stripper and ozone and a supplier 30' or 31' that could be considered an “applicator,” but none of the systems illustrated by Noda includes a “chemical output element” configured to direct a chemical toward a wafer support (*id.*).

Appellant’s arguments are not persuasive. In our review of the examiner’s anticipation analysis, we must first correctly construe the claim language to define the scope and meaning of any contested limitations. See *Gechter v. Davidson*, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997). During examination proceedings,

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claims are given their broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); and *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995). As correctly construed by the examiner, the claim language does not exclude the “applicator” and the “chemical output element” from being the same component or device, consistent with the specification disclosure that these components “may be separate from one another or comprise the same component” (specification, ¶ [0019]). See *In re Bigio*, 381 F.3d 1320, 1325, 72 USPQ2d 1209, 1210-11 (Fed. Cir. 2004)(the PTO should only limit the claim based on an express disclaimer of a broader definition).

Additionally, we note that other components of the embodiments of Figures 6, 7 and 8 described by Noda fall within the scope of claim 1 on appeal as construed above. For example, the expanded end opening of the ozonized gas feed tube 31 in Figure 8 “reads on” the “chemical output element” as recited in claim 1 on appeal, being configured to direct the chemical toward the wafer support such that the resist stripper substantially continuously moves across a surface of a component on the wafer support (see Noda, col. 11, ll. 3-6, making it easier to supply the ozone gas and resist stripper mixture to the “entire surface” of the substrate (col. 10, ll. 17-23)). As another example, Figure 6 of Noda exemplifies a wafer support (40), a source of resist stripper including a gaseous component (ejector 2), a source of a chemical that forms gas (ozone) in the resist stripper (ozone generator 1), an “applicator” (feed tube 112 in conjunction with supplier 30'), and a “chemical output element” configured to direct the chemical toward

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the wafer support (outlet 33')(see Noda, col. 10, ll. 10-38).

In view of our claim construction as discussed above, we agree with the examiner that the claim elements as required by claim 1 on appeal have been described by Noda within the meaning of § 102. Accordingly, we affirm the examiner's rejection of claim 1 on appeal under 35 U.S.C. § 102(e) over Noda. Claims 9 and 12 have not been separately argued by appellant, and thus fall with claim 1 (Brief, page 7).

The decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv)(2004).

**AFFIRMED**

EDWARD C. KIMLIN	)	Administrative
Patent Judge )	)	
THOMAS A. WALTZ	)	BOARD OF PATENT
Administrative Patent Judge )	)	APPEALS AND
	)	INTERFERENCES
CATHERINE TIMM	)	)
Administrative Patent Judge )	)	

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TAW/TF

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