

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* WARREN M. FARNWORTH and JOSEPH T. LINDGREN

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Appeal 2006-2181  
Application 10/878,586  
Technology Center 1700

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Decided: March 7, 2007

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Before EDWARD C. KIMLIN, JEFFREY T. SMITH, and LINDA M. GAUDETTE, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellants request rehearing on our Decision of July 31, 2006 wherein we affirmed the Examiner's rejection of the appealed claims under 35 U.S.C. § 112, first paragraph, description requirement.

We have thoroughly reviewed Appellants' arguments presented in the Request for Rehearing, but we remain of the opinion that the claim language "the ratio of a dimension of a contact region to a separation distance between

adjacent contact regions” does not find descriptive support in the original specification within the meaning of § 112, first paragraph. Although Appellants’ Specification attributes significance to narrowing the distance between adjacent contact regions, this is not tantamount to conveying to one of ordinary skill in the art the claimed concept of the ratio of a dimension of a contact region to the separation distance between adjacent contact regions being at least 10:1. For one, as set forth in our decision, the claimed ratio has no upper limit. Secondly, the claimed ratio encompasses bond pad arrays having relatively large contact areas separated by distances within the prior art that are also relatively large. For instance, a ratio of 10:1 can be achieved with distances between contact areas that correspond to the prior art distances depicted in Appellants’ drawings when the contact areas are sufficiently large. Hence, it can be seen that there is an essential difference between the concepts of minimizing the distance between contact areas and establishing a ratio between a dimension of the contact regions and the separation distance therebetween. We also note that the appealed claims do not define the “dimension” of a contact region such that claimed term can broadly embrace any of the height, length, or width of the contact.

Appellants contend that the claimed ratios would be readily apparent in the original Specification to one of ordinary skill in the art of semiconductors “because ratios are one of the fundamental languages of semiconductors. In fact, virtually every aspect of semiconductor manufacture involves consideration of ratios” (Request for Recon, paragraph bridging pp. 3-4). However, Appellants have proffered no factual evidence to support this contention, nor the argument that one of ordinary skill in the art would have gleaned the significance of the claimed ratios upon reading

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the original Specification. It is well settled that counsel's arguments in the Brief are no substitute for objective evidence.

In conclusion, based on the foregoing, Appellants' request is granted to the extent that we have reconsidered our Decision, but is denied with respect to making any change therein.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv)(2006).

REHEARING - DENIED

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