

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRUCE M. GREEN, ELLEN LAN, and
PHILLIP LI

Appeal No. 2006-3106
Application No. 10/209,746
Technology Center 2800

ON BRIEF

Before DIXON, SAADAT, and MACDONALD, Administrative Patent
Judges.

DIXON, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. §134 from the examiner's final rejection of claims 1-20, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

The Appellants' invention relates to a field plate transistor with reduced field plate resistance. An understanding of the invention can be derived from a reading of exemplary claim 1 which is reproduced below.

1. A transistor, the transistor comprising:

a source;

a gate;

a drain;

a field plate located between the gate and the drain, wherein said field plate comprises a plurality of connection locations;
and

a plurality of electrical connectors connecting said plurality of connection locations to a potential.

PRIOR ART

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Herbert et al. (Herbert)	5,898,198	Apr. 27, 1999
Oguri et al. (Oguri)	6,329,677	Dec. 11, 2001
D'Anna et al. (D'Anna)	6,521,923	Feb. 18, 2003
		(Filed May 25, 2002)

REJECTIONS

Rather than reiterate the conflicting viewpoints advanced by the Examiner and the Appellants regarding the above-noted rejections, we make reference to the Examiner's answer (mailed May 9, 2006) for the reasoning in support of the rejections, and to Appellants' brief (filed Apr. 18, 2006) and reply brief (filed Jun. 29, 2006) for the arguments thereagainst.

Claims 1, 2, 4, 5, 7-16 and 18-20 stand rejected under 35 U.S.C. § 102 as being anticipated by D'Anna. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Anna in view of Oguri. Claims 6 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Anna in view of Herbert.

OPINION

In reaching our decision in this appeal, we have given careful consideration to Appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by Appellants and the Examiner. As a consequence of our review, we make the determinations that follow.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983), it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it." While all elements of the claimed invention must appear in a single reference, additional references may be used to interpret the anticipating reference and to shed light on its meaning, particularly to those skilled in the art at the relevant time. See Studiengesellschaft Kohle, m.b.H v. Dart Indus., Inc., 726 F.2d 724, 726-727, 220 USPQ 841, 842 (Fed. Cir. 1984).

We must point out, however, that anticipation under 35 U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention. See RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Further, as pointed out by our reviewing court, we must first determine the scope of the claim. “[T]he name of the game is the claim.” In re Hiniker Co., 150 F.3d 1362, 1368-69, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998). Therefore, we look to the limitations as recited in independent claim 1 and find that claim 1 requires that for a single transistor that there be “field plate comprises a plurality of connection locations and a plurality of electrical connectors connecting said plurality of connection locations to a potential.” Appellants argue that D’Anna does not teach more than one connection to a potential for the field plate (Br. 4).

We agree with Appellants and find that the Examiner has not shown an express teaching in D’Anna for the plurality of connection locations and that these plural connections are to a [singular/same] potential. The Examiner maintains that columns 4 and 13 of D’Anna teach the plural connections which would be to the backside and to the source (Answer 7-8). We do not find that the express language or the figures of D’Anna expressly supports the Examiner’s position. Additionally, the Examiner maintains that “[t]his additional disclosure [of D’Anna] strongly suggests to the ordinary artisan that shield plate has two connections, one to the backside and another to the source region.” We are left with the conclusion that the Examiner may actually be relying upon obviousness by the above statement yet the Examiner rejected the claims under 35 U.S.C. § 102. With that said, we make no findings concerning obviousness to independent claims 1 and 11

since the Examiner did not make a rejection under obviousness. We do note that independent claim 1 recites that the plurality of connections are to “a potential” which we find to be the same or a singular potential which the backside and source connections would not necessarily be to the same potential.

To agree with the Examiner’s stated rejection would require us to rely upon speculation as to what the ordinary skilled artisan would find by the sparse description and drawings of D’Anna. We cannot extend 35 U.S.C. § 102 that far for the Examiner. We cannot find that the express teachings of D’Anna teach plural connections to a potential in a single transistor as recited in independent claim 1. Therefore, we cannot sustain the rejection of independent claim 1 and its dependent claims.

Similarly, we find that D’Anna does not teach the recited plural connections to a potential in a single transistor as recited in independent claim 11 and its dependent claims.

With respect to the rejection under 35 U.S.C. § 103, the Examiner has not identified any teaching, suggestion or convincing line of reasoning which remedies the noted deficiency. Therefore, we cannot sustain the rejection of dependent claims 3, 6, and 17.

CONCLUSION

To summarize, the rejections of claims 1-20 under 35 U.S.C. §§ 102 and 103 have not been sustained.

REVERSED

JOSEPH L. DIXON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MAHSHID D. SAADAT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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ALLEN R. MACDONALD)	
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