

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 DAVID J. SEAGLE,
QING LESLIE HE, AND G. VINSON KELLEY

Appeal 2007-0596
Application 10/087,505
Technology Center 2600

Decided: March 29, 2007

Before KENNETH W. HAIRSTON, JOSEPH L. DIXON,
and LANCE LEONARD BARRY, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1 to 11. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants have invented a pedestal defined zero throat write head that comprises a first pole and a second pole separated by a gap. The first pole has a pedestal with a recess therein that runs from the top of the

pedestal to the bottom of the pedestal. The gap separates the pedestal from the second pole, and a portion of the second pole extends over the pedestal and beyond the back of the pedestal (Figures 2A and 2B; Specification 5).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A pedestal defined zero throat write head comprising:

a first pole having a pedestal, the pedestal having a front, a back, a top and a bottom, the back of the pedestal having a recess therein, the recess running from the top of the pedestal to the bottom of the pedestal;

a second pole;

a gap separating the pedestal of the first pole from a portion of the second pole;

wherein the second pole has a bottom surface, a portion of the bottom surface extending over the pedestal and along the gap beyond the back of the pedestal and being substantially flat such that a zero throat height of the write head is defined by the pedestal.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Sasaki

US 6,624,971 B1

Sep. 23, 2003
(filed Aug. 21, 2000)

The Examiner rejected claims 1 to 11 under 35 U.S.C. § 102(e) based upon the teachings of Sasaki.

Appellants contend *inter alia* that Sasaki does not describe a first pole having a pedestal, the pedestal having a front, a back, a top and a bottom, the back of the pedestal having a recess therein, the recess running from the top of the pedestal to the bottom of the pedestal (Br. 6 and 7) or a second pole “a

portion of which extends over the pedestal and along the gap beyond the back of the pedestal” (Br. 6).

We reverse.

ISSUES

Does Sasaki describe a pedestal defined zero throat write head with a pole pedestal that has a recess running from the top of the pedestal to the bottom of the pedestal?

Does Sasaki describe a second pole that extends over and beyond the back of the pedestal?

FINDINGS OF FACT

The pedestal defined zero throat write head disclosed by Appellants comprises a first pole 110, a pedestal 112 on the first pole, and a second pole 130 that is separated from the first pole by write gap 140 (Figures 2A and 2B). The back surface of the pedestal 112 has a recess 114 therein that runs from the top of the pedestal to the bottom of the pedestal. A portion of the bottom surface of the second pole 130 extends over the pedestal 112 along the gap 140 and beyond the back surface of the pedestal.

Sasaki describes an embodiment (Figure 13) in which a first pole 7 is separated from a second pole 27A by a write gap 9. A pedestal is formed under the gap 9. In this embodiment, the second pole 27A extends over the pedestal along the gap 9, and the second pole 27A extends “beyond the back of the pedestal.” It is clearly seen in the drawing that the pedestal is only located under portions 27A(1) and 27A(2) of the second pole 27A. The drawing also shows that the recess 60 is only located in the portion 27A(3)

of the second pole 27A. Thus, this embodiment does not show a “recess running from the top of the pedestal to the bottom of the pedestal.”

Sasaki describes another embodiment (Figure 6) in which a first pole 7 has a pedestal region located under the write gap layer 9. The pedestal has a front, a back, a top and a bottom, and the back of the pedestal has a recess 60 therein running from the top of the pedestal to the bottom of the pedestal. A second pole 27A is located on the other side of the gap 9. The second pole 27A extends over the pedestal along the gap 9, but it does not extend “beyond the back of the pedestal” because it is the same size as the pedestal.

PRINCIPLE OF LAW

Anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1946 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

ANALYSIS

As indicated *supra*, the first embodiment described by Sasaki lacks one limitation found in each claim on appeal, and the second embodiment described by Sasaki lacks another limitation found in each claim on appeal.

CONCLUSION

Anticipation has not been established by the Examiner because each of the noted embodiments in Sasaki lacks at least one claimed limitation.

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DECISION

The anticipation rejection of claims 1 to 11 is reversed.

REVERSED

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