

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* SATYA PRAKASH ARYA

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Appeal 2007-0633  
Application 10/132,844  
Technology Center 2600

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Decided: March 30, 2007

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Before JOSEPH L. DIXON, MAHSID D. SAADAT, and  
JEAN R. HOMERE, *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 1-10 and 31-32. Claims 11-30 and 33-36 have been canceled.

We AFFIRM.

## BACKGROUND

Appellant's invention relates to a method of manufacturing a suspension member for a disk drive using coining. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A method of manufacturing a disk drive suspension member, comprising:

forming said suspension member into a desired length and width configuration with a nominal thickness dimension;

forming one or more pockets in a surface of said suspension member; and

treating said one or more pockets to minimize pocket depth tolerances and introduce hardness and strength into surface areas of said one or more pockets.

## PRIOR ART

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

Arya	US 6,219,203 B1	Apr. 17, 2001
Fahey	US 6,301,081 B1	Oct. 09, 2001
Aoyagi	US 6,181,529 B1	Jan. 30, 2001

## REJECTIONS

Claims 1-10 and 31-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Arya in view of Fahey. Aoyagi has been relied upon by the Examiner to support the use of Official Notice.

Rather than reiterate the conflicting viewpoints advanced by the Examiner and the Appellant regarding the above-noted rejection, we make reference to the Examiner's Answer (mailed Feb. 22, 2006) for the reasoning in support of the rejections, and to Appellant's Brief (filed Dec. 01, 2005) for the arguments thereagainst.

## OPINION

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

With respect to independent claim 1, the Examiner maintains that Arya teaches the claimed invention, but is silent as to specifically treating the pockets after forming the pockets. We agree with the Examiner that Arya does not contain a great discussion of the treating of the pockets, but we also agree with the Examiner that Arya does discuss that any necessary press forming operations may be performed at Column 3, lines 10-11 and 48-49. Additionally, we find that the discussion in the Background of the Invention section discusses that prior art suspension shapes are typically created by two-sided etching processes and supplemental forming procedures to increase their stiffness. (Arya, col. 1, ll. 24-27.) We find this teaching alone to be a sufficient express suggestion to treat the pockets after etching to improve the stiffness of the suspension member for at least independent claim 1. Yet, the Examiner relied upon the teachings of Fahey to teach and suggest the combination of etching and coining of the at least

one pocket. The Examiner maintains that the second portion 58 of Fahey teaches at least one pocket being etched and coined to increase smoothness of the cammed surface. We agree with the Examiner that the combined teachings of Arya and Fahey would have suggested the “treating said one or more pockets to minimize pocket depth tolerances and introduce hardness and strength into surface areas of said one or more pockets.”

While Fahey arguably only involves a pair of pockets or cammed surfaces, the language of independent claim 1 requires only one pocket. We find that the teachings of Arya alone would have suggested some etching followed by some press-forming operations to improve stiffness and this would have suggested to skilled artisans to look to other specific press-forming operations such as either punch or roll coining of the “said one or more pockets to minimize pocket depth tolerances and introduce hardness and strength into surface areas of said one or more pockets” as suggested by the combined teachings of Arya and Fahey. Therefore, we find that the Examiner has set forth a *prima facie* of obviousness, and we look to Appellant’s Brief to show error therein.

With respect to independent claim 1, Appellant contends that the Examiner has not given any patentable weight to the limitation “treating said one or more pockets to minimize pocket depth tolerances and introduce hardness and strength into surface areas of said one or more pockets” (Br. 10). Appellant argues that the disclosure of Arya is fairly generic and non-specific with respect to pockets and does not mention “coining” (Br. 11-12). We disagree that the Examiner disregarded the limitation, but agree with Appellant that the disclosure and discussions of Arya are generally non-specific.

We find that Appellant's arguments relate to plural pockets and coining rather than the express language of independent claim 1. Here, we find that the language of independent claim 1 merely requires a single etched section of a suspension member that is treated. There need not be a teaching of processing plural defined "pockets" which have been etched and coined in a specific manner to achieve Appellant's DISCLOSED invention. Therefore, Appellant's argument is not persuasive.

With respect to the teachings of Fahey, Appellant argues that the coining is limited to the head lifting tab and cannot be reasonably read as encompassing other portions of the suspension (Br. 12-14). We find this argument to go beyond the scope of the claim language since only one pocket need be treated in independent claim 1. Therefore, Appellant's argument is not persuasive. Appellant argues there is no teaching or suggestion for "coin etched pockets" in the combination (Br. 13). We find this argument to go beyond the scope of the claim language since only one pocket need be treated in independent claim 1. Therefore, Appellant's argument is not persuasive.

Appellant argues that the limitation "treating said one or more pockets to minimize pocket depth tolerances and introduce hardness and strength into surface areas of said one or more pockets" is more than a statement of desired result and that the limitation breathes life and meaning into the claims and must be given patentable weight as an integral part of the recited physical action. (Br. 14). Appellant opines that the treating step could refer to virtually anything without the language "to minimize . . ." including "painting them [pockets] red" (Br. 14). We are unsure what Appellant is arguing in this portion of the Brief. We agree with Appellant that the

language of the claim needs to be considered, and we find that it has been considered by the Examiner, but the Examiner did not find it specific enough a limitation to define/differentiate over the combined teachings of Arya and Fahey.

For example, we find with respect to Appellant's argument to painting a pocket red that this would be "treating" which would "minimize pocket depth tolerances [by adding more material inside the pocket] and introduce hardness and strength into surface areas of said one or more pockets [by reinforcing the material]." Therefore, we find this argument unpersuasive, and we find it a breadth of claim language issue with generalized functions which are not specifically defined or limited in the language of the claims or as interpreted by the Specification. Therefore, we do not find that the Examiner has been unreasonable in the application of the prior art in the instant prosecution, and we do not find that Appellant has shown error in the Examiner's *prima facie* case of obviousness, and we will sustain the rejection of claim 1.

We find that Appellant has not separately argued and we find no separate headings for other groupings set forth by Appellant. Therefore, we group claims 2-10 and 31-32 with independent claim 1 and sustain the rejection of those claims.

## CONCLUSION

To summarize, we have sustained the rejection of claims 1-10 and 31-32 under 35 U.S.C. § 103(a).

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

AFFIRMED

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