THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 42

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MILO W. FRISBIE and MAVIN C. SWAPP

Appeal No. 97-1042
Application No. 07/969,541[1]

ON BRIEF

Before HAIRSTON, KRASS and JERRY SMITH, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 10, 13 through 15 and 18 through 20.[2]

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[1] Application for patent filed October 30, 1992. According to the appellants, the application is a continuation of Application No. 07/582,819, filed September 13, 1990, which is a continuation of Application No. 07/413,034, filed September 27, 1989.

[2] In the parent application, the Board in a decision dated June 10, 1992 found claims 1 and 9 to be anticipated by the

The disclosed invention relates to a method of testing a semiconductor device.

Claim 10 is illustrative of the claimed invention, and it reads as follows:

10. A method of testing a semiconductor device, comprising the steps of:

providing a plurality of wiping contacts;

providing a semiconductor device having a plurality of leads;

positioning the semiconductor device wherein the plurality of leads are between, but not making electrical contact to the plurality of the wiping contacts;

moving the semiconductor device in one direction from the point where the plurality of leads are between, but not making electrical contact to the plurality of the wiping contacts past the plurality of the wiping contact wires such that the plurality of the leads of the semiconductor device are no longer between the plurality of wiping contacts, wherein at least one of the plurality of wiping contacts makes electrical contact to a side of one of the plurality of leads of the semiconductor device during the moving of the semiconductor device.

The reference relied on by the examiner is:

Vancelette 4,320,339 Mar. 16, 1982

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teachings of Pfaff, and claims 2 through 8 to be obvious over the combined teachings of Pfaff and Cedrone.

Claims 10, 13 through 15 and 18 through 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Vancelette.

Reference is made to the brief and the answers for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 10, 13 through 15 and 18 through 20.

Appellants argue (Brief, page 4) that “Vancelette is not believed to show or make obvious . . . moving the semiconductor device in one direction . . . past the plurality of the wiping contacts . . . wherein at least one wiping contacts [sic, contact] makes electrical contact to a side of one of the leads during the moving of the semiconductor device, as applicants claim.” Appellants and the examiner agree (Brief, page 4; Answer, page 4; Supplemental Answer, page 2) that cooperative measurement contacts 70 and 72 in Vancelette perform a “static measurement” (column 4, lines 35 through 51) on leads L of components C (Figures 1 and 6 through 9). Accordingly, the obviousness rejection is reversed because of the lack of any movement between the leads L and the measurement contacts 70 and 72 when they are in electrical contact.

DECISION

The decision of the examiner rejecting claims 10, 13 through 15 and 18 through 20 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON Administrative Patent Judge	)	
ERROL A. KRASS Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JERRY SMITH Administrative Patent Judge	)	

jrg

Appeal No. 97-1042
Application No. 07/969,541

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Appeal No. 97-1042

Serial No. 07/969,541

Judge HAIRSTON

Judge KRASS

Judge JERRY SMITH

Received: 27 Oct 98

Typed: 27 Oct 98

DECISION: REVERSED

Send Reference(s): Yes No
or Translation(s)

Panel Change: Yes No

3-Person Conf. Yes No

Remanded: Yes No

Brief or Heard

Group Art Unit: 2213

Index Sheet-2901 Rejection(s): _____

Acts 2: ____

Palm: ____

Mailed:

Updated Monthly Disk (FOIA): ____

Updated Monthly Report: ____