

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte XIANG YU YAO

Appeal No. 2001-1821
Application 09/098,311

ON BRIEF

Before GARRIS, OWENS and DELMENDO, *Administrative Patent Judges*.
OWENS, *Administrative Patent Judge*.

ON REQUEST FOR REHEARING

The appellant requests reconsideration of our decision mailed on October 9, 2002, wherein we affirmed the rejection of claims 14-20 under 35 U.S.C. § 103 over Ravi in view of Bartha.

The appellant argues that our decision fails to provide a motivation for making an apparatus having a mixed frequency RF generator and sources of silicon and carbon, and a reasonable expectation of success in doing so (request, page 2).

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In the sentence bridging pages 4 and 5 of our decision, we point out that Bartha discloses that his energy can be either low frequency or 13.56 MHz high frequency RF, and that Ravi teaches that both single and mixed frequency RF are useful for generating plasmas for substrate processing. In view of these disclosures, one of ordinary skill in the art would have had a reasonable expectation of success in using low frequency in combination with high frequency to make Bartha's silicon carbide. The motivation for configuring Ravi's system such that it is capable of making silicon carbide using mixed frequency RF, and the reason why one of ordinary skill in the art would have had a reasonable expectation of success in doing so, are set forth on pages 3-6 of our decision.

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We have reconsidered our decision but, for the above reason,
decline to make any change thereto.

DENIED

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BRADLEY R. GARRIS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
TERRY J. OWENS)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
ROMULO H. DELMENDO)	
Administrative Patent Judge)	

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