

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 47

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TRUNG T. DOAN, RANDHIR P. S. THAKUR  
and YAUH-CHING LIU

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Appeal No. 1999-1548  
Application No. 08/859,629

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ON BRIEF

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Before KRASS, DIXON and BARRY, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

ON REQUEST FOR REHEARING

Appellants filed a “Request for consideration”<sup>1</sup> on January 10, 2002, wherein appellants requested that we consider that part of our decision of September 27, 2001 in which we remanded the case back to the examiner and to appellants for more information regarding the rejection of claims 53-98 over 35 U.S.C. § 103. In particular,

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<sup>1</sup>More properly termed a “Request for Rehearing.”

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we asked the parties to define and identify what a “planarization” layer is meant to cover and why the applied references were deemed to suggest or not suggest such a “planarization” layer.

Based on remarks received from appellants (Paper No. 44) and the examiner (Paper No. 45), we issued a supplemental decision on July 29, 2002 (Paper No. 46), wherein we sustained the rejection of claims 53-59, 62-64, 86-92 and 94-98 under 35 U.S.C. § 103, but we did not sustain the rejection of claims 60, 61, 65-85 and 93 under 35 U.S.C. § 103. Our reasons are adequately set forth in Paper No. 46, and we need not repeat them here.

While appellants’ request for reconsideration of January 10, 2002 (Paper No. 47) was filed prior to our supplemental decision, it was entered into the file subsequent to our supplemental decision, and we did not have the benefit of it when reaching our decision of July 29, 2002.

However, we have now reviewed that request for reconsideration and find that it does not differ from the request for reconsideration made in Paper No. 44. Since we have already treated any such arguments and/or comments by appellants in our supplemental decision, and appellants have not convinced us of any error in our

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supplemental decision of July 29, 2002, we deny appellants' request for reconsideration.

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

DENIED

ERROL A. KRASS  
Administrative Patent Judge

JOSEPH L. DIXON  
Administrative Patent Judge

LANCE LEONARD BARRY  
Administrative Patent Judge

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