

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ROGER VALENTINE

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Appeal No. 2002-0688  
Application No. 09/293,328

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ON BRIEF

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Before DELMENDO, JEFFREY T. SMITH, and MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the final rejection of claims 1, 2 and 9. Claims 3-8 are objected to as being dependent upon a rejected base claim. Claims 10-20 have been allowed. Thus, only claims 1, 2, and 9 are before us on this appeal. Claim 1 reads as follows:

1. A shielding scheme for a circuit board, comprising:

a first conductive shield having a first series of fastening points and a first series of predistorted surfaces for mating with a contact area on a first side of the circuit board; and

a second conductive shield having a second series of fastening points aligned with the first series of fastening points, and having a second series of predistorted surfaces for

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mating with a contact area on a second side of the circuit board,

wherein the first series of predistorted surfaces is adapted to become coplanar with the first side of the circuit board and the second series of predistorted surfaces is adapted to become coplanar with the second side of the circuit board under condition that the first conductive shield is fastened to the second conductive shield at the fastening points.

Initially, we note that the appellant and the examiner disagree as to the language of claim 1. The appellant notes in his Reply Brief, page 2, lines 9-22) that claim 1 as reproduced in the brief is the same as that submitted in an amendment dated December 27, 2000. However, claim 1 as filed was, as far as the file history reflects, amended twice, once via paper #3, dated August 4, 2000, and once via paper #5, dated December 19, 2000. Neither amendment contains the instructions to make the amendments to claim 1, lines 3 and 5, which appellant asserts are present. Accordingly, it appears to us the examiner is correct in that the appellant's brief incorrectly recited the claim.

#### The Reference

In rejecting the claims under 35 U.S.C. § 102(b), the examiner relies upon the following reference:

Pressler et al. (Pressler)      5,550,713      Aug. 27, 1996

#### The Rejection

Claims 1, 2, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pressler.

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The Invention

The invention relates to a shield for a circuit board, which shield includes conductive shields that have mating surfaces such that they become flat at the circuit board/shield interface when the shields are fastened to opposite sides of the circuit board. (Appeal Brief, page 3, lines 19-22). See also claim 1, reproduced above, for further details of the claimed subject matter.

The Rejection of Claims 1, 2, and 9 Under 35 U.S.C. § 102 (b)

Claims 1, 2, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pressler.

The examiner has found that Pressler discloses a shielding scheme for a circuit board including a first conductive shield having a first series of fastening points and a first series of predistorted surfaces for mating with a contact area on a first side of a circuit board; and a second conductive shield having a second series of fastening points aligned with the first series of fastening points and having a second series of predistorted surfaces for mating with a contact area on a second side of the circuit board; wherein the first series of predistorted surfaces

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becomes coplanar with the first side of the circuit board and the second series of distorted surfaces becomes coplanar with the second side of the circuit board then the conductive shields are fastened at the fastening point (Examiner's Answer, page 5, line 20 - page 6, line 6).

The appellant, on the other hand, asserts that Pressler does not disclose the claimed series of predistorted surfaces (Appeal Brief, page 5, lines 9-16).

The basis for this position is the recessed portions 100 and 101 are not equatable with the appellant's predistorted surfaces. (Appeal Brief, page 5, lines 17-19).

We agree with the appellant. The recesses 101 and 100 do not become coplanar with the circuit board upon affixation; rather, as noted in column 5, lines 36-43, they prevent interference with conductive traces or provide openings for antenna leads. Neither could be said to be coplanar.

Accordingly, we reverse this rejection.

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Summary of Decision

The rejection of claims 1, 2, and 9 under 35 U.S.C. § 102(b)  
over Pressler is reversed.

**REVERSED**

ROMULO H. DELMENDO	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
JEFFREY T. SMITH	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

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