

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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEV M. BOLOTIN

Appeal No. 2002-1219
Application No. 09/471,667

ON BRIEF

Before COHEN, STAAB, and NASE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This appeal involves claims 1 through 10, all of the claims remaining in the application.

Appellant's invention pertains to a micro device processing system useable with a micro device using assembly system having a control system and a robotic handling system. A basic understanding of the invention can be derived from a reading of exemplary claim 1, a copy of which appears in "Appendix A" of the main brief (Paper No. 13).

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As evidence of anticipation, the examiner has relied upon the following:

PRIOR ART FIG. 1 AND PRIOR ART FIG. 2 in appellant's application.

The following rejections are before us for review.

1. Claims 1 through 10 stand rejected under 35 U.S.C. § 112 as being incorrect in not reading on the disclosure.

2. Claims 1 through 8 and 10 stand rejected under 35 U.S.C. § 102(a) as being anticipated by PRIOR ART FIGURES 1 AND 2.

The full text of the examiner's rejections and response to the argument presented by appellant appears in the answer (Paper No. 14), while the complete statement of appellant's argument can be found in the Appeal Brief and Reply Brief (Paper Nos. 13 and 15).

OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered appellant's specification and claims,¹ the applied teachings,² and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determinations which follow.

¹ Considering the language in claim 1 of "the input feeder responsive to communication with the control system to feed the micro devices", and "the robotic handling system responsive to communication of the processing system with the control system to take micro devices and place the micro devices on the assembly system", we don't necessarily agree with appellant's analysis as to what is or is not part of the claimed invention (main brief, pages 5 and 6).

² In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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The first rejection

We do not sustain the rejection of claims 1 through 10 under 35 U.S.C. § 112 (second paragraph) as being incorrect in not reading on the disclosure.

In order to satisfy the requirements of the second paragraph of § 112, a claim must accurately define the invention in the technical sense. See In re Knowlton, 481 F.2d 1357, 1366, 178 USPQ 486, 492-93 (CCPA 1973).

We certainly understand the examiner's point of view as to the claim language in question. However, we do not share the perception that the specified instances in the rejection (page 2 of Paper No. 9 and page 3 of the answer) address incorrect claim recitations relative to the original disclosure, as follows. First, on page 4 of the specification, the input feeder is clearly indicated to be "operatively associated" with a processing system. Thus, it is not incorrect to claim the input feeder separate from the processing system. Second, while the robotic handling system is clearly part of the micro device using

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assembly system, it is not incorrect to set forth that the robotic handling system takes micro devices and places them on the assembly system since clearly the assembly system is not recited as consisting of the robotic handling system alone.

The second rejection

We do not sustain the rejection of claims 1 through 8 and 10 under 35 U.S.C. § 102(a) as being anticipated by PRIOR ART FIGURES 1 AND 2.

Anticipation under 35 U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or under principles of inherency, each and every element of a claimed invention. See In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990); and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). However, the law of anticipation does not require that the reference teach specifically what an

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appellant has disclosed and is claiming but only that the claims on appeal "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Claim 1, the sole independent claim in the application, sets forth a micro device processing system useable with a micro device using assembly system having a control system and a robotic handling system, comprising, inter alia, an input feeder, a processing system, with the input feeder and the processing system being capable of communication with the control system, the input feeder being responsive to communication with the control system to feed micro devices, the processing system being capable of processing the micro devices and communicating to the control system, and the robotic handling system being responsive to communication of the processing system with the control system to take micro devices and place them on the assembly system.

The examiner concludes that the claimed invention is anticipated on the basis of an acknowledged prior art processing

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system (appellant's Fig. 1), an acknowledged prior art micro device using assembly system (appellant's figure 2), and the disclosure in the specification (page 6, lines 18 through 20) that

...[w]here programmed devices are involved, the output media from the output mechanism 24 form FIG. 1 (PRIOR ART) would be used as the input media in the input feeder 34.

We disagree with the examiner's conclusion that the applied evidence supports a conclusion of anticipation.

Like appellant (main brief, pages 8 and 10) we readily perceive that the acknowledged prior art teaches two stand alone, independent systems 10 and 30 wherein the output mechanism 24 of the programming system (Fig. 1) can act as the input feeder 34 for the production assembly 30 (Fig. 2). We can perceive no disclosure whatsoever in the prior art of the features of claim 1 of the input feeder and processing system being capable of communicating with the control system, of the input feeder being responsive to communication with the control system to feed micro devices, of the processing system being capable of processing the micro devices and communicating to the control system, and of the

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robotic handling system being responsive to communication of the processing system with the control system to take micro devices and place them on the assembly system. Thus, the anticipation rejection is not sound.

In summary, this panel of the board has not sustained the rejections on appeal.

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LAWRENCE J. STAAB)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JEFFREY V. NASE)	
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