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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AH TEE SIM

Appeal No. 95-0831
Application 07/658,691[1]

ON BRIEF

MAILED

AUG 29 1995

PAT.&T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before MEISTER, ABRAMS and FRANKFORT, Administrative Patent Judges.

MEISTER, Administrative Patent Judge.

REMAND TO THE EXAMINER

The above identified application is being remanded to the examiner to give the examiner the opportunity to take appropriate action with regard to the items listed below.

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[1] Application for patent filed February 21, 1991. According to applicant, the application is a continuation in part of Application 07/357,633, filed May 24, 1989, abandoned; which is a continuation of Application 07/072,037, filed July 10, 1987, abandoned.

A review of the file record suggests that the present application is classified in Class 228 (METAL FUSION BONDING) subclass 40 and that, during the prosecution, the application appears to have been searched only in class 228. However, it is noted that the application disclosure and the subject matter of the claims on appeal are specifically directed to applying a coating of solder to electronic component leads by immersion of the leads in a solder bath containing molten solder and, more specifically, to the apparatus used in such a coating process. Claims directed to the method of coating were the subject of a restriction requirement made by the examiner in Paper No. 6 (mailed Nov. 12, 1991), wherein it is indicated that method claims 6 through 12 are classified in Class 427 (COATING PROCESSES) subclass 436. It appears to us that, like the method claims, the apparatus claims of this application relate merely to a coating operation, as distinguished from a metal fusion bonding operation wherein elements are bonded together. Thus, it would appear, even assuming for the sake of argument that the application is not classifiable in Class 118 (COATING APPARATUS), that a complete search of the relevant prior art would include a search in Class 118. See, for example, U.S. Patent Nos. 4,677,937; 4,570,569; 4,550,569, all of which are directed to apparatus for coating electronic component leads with solder and

all of which are classified as originals in Class 118. More particularly, we observe that subclass 430.1 of Class 118 is directed to immersion or partial immersion of a workpiece, while subclass 431 relates specifically to immersion or partial immersion in a molten metal bath and subclass 433 relates particularly to lead, zinc, or tin coating via a molten metal bath. As a further point, we observe that given the nature of the relationship between the claimed apparatus and the method, it would also appear likely that pertinent prior art may be present in Class 427 (COATING PROCESSES).

In light of the foregoing, and before we expend resources in considering the appeal in this application, it seems to us that a full and complete search of the prior art should be made. This application is being remanded to the examiner for whatever action he deems necessary, including the possibility of a further rejection. Compare In re Gould, 673 F.2d 1385, 213 USPQ 628 (CCPA 1982).

This application, by virtue of its "special" status, requires immediate action, see M.P.E.P. §708.01(d) (Rev. 14, Nov. 1992). It is important that the Board of Patent Appeals and Interferences be promptly informed of any action affecting the appeal in this case.

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

REMANDED TO THE EXAMINER

JAMES M. MEISTER Administrative Patent Judge	)
NEAL E. ABRAMS Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
CHARLES E. FRANKFORT Administrative Patent Judge	)

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