

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(2) is not binding precedent of the Board.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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte THEODORE W. HOUSTON

Appeal No. 95-1199
Application 08/101,348¹

ON BRIEF

Before KRASS, FLEMING and CARMICHAEL, ***Administrative Patent Judges.***

CARMICHAEL, ***Administrative Patent Judge.***

DECISION ON APPEAL

¹ Application for patent filed August 2, 1993.
According to appellant, this application is a continuation of
Application 07/719,900 filed June 24, 1991, now abandoned.

Appeal No. 95-1199
Application 08/101,348

This is an appeal from the final rejection of claims 1-13, 24-26, 30, and 31. Claims 14, 16-20, 27-29 and 32-36 have

been indicated as allowable, and claims 15 and 21-23 have been canceled.

Claim 1 reads as follows:

1. A bi-stable logic device comprising:

first and second inverters each said first and second inverters including an input and an output;

a first resistor between the input of said first inverter and the output of said second inverter;

a second resistor coupled between the input of said second inverter and the output of said first inverter;

a capacitive coupling between the input of said first inverter and the output of said first inverter such that said first resistor isolates said capacitive coupling from the output of said second inverter and said second resistor isolates said capacitive coupling from the input of said second inverter.

The Examiner's Answer cites the following prior art:

Iizuka
1985

4,532,609

July 30,

OPINION

Appeal No. 95-1199
Application 08/101,348

Claims 1-13, 24-26, 30, and 31 stand rejected under 35 U.S.C. § 103 as unpatentable over admitted prior art in view of Iizuka. According to the examiner, it would have been obvious to one of ordinary skill in the art to have used capacitors to couple the inverters of admitted prior art Figure 1 "since Iizuka shows resistors and capacitors used to couple inverters." Examiner's Answer at 4, lines 1-5.

The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992). The examiner has not explained how Iizuka suggested the desirability of adding capacitors to the admitted prior art of Figure 1. The examiner's statement that "Iizuka shows resistors and capacitors used to couple inverters" does not identify any reason why one skilled in the art would add capacitors to the Figure 1 prior art. Upon our own review of the references, we are unable to find where the prior art suggested the desirability of the modification.

Thus, the rejection is not sustained.

Appeal No. 95-1199
Application 08/101,348

CONCLUSION

The rejection of Claims 1-13, 24-26, 30, and 31 is
not sustained.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
)	
)	
)	
MICHAEL R. FLEMING)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	

Appeal No. 95-1199
Application 08/101,348

JAMES T. CARMICHAEL)
Administrative Patent Judge)

Ira S. Matsil
Texas Instruments Incorporated
Patent Department, M/S 219
P.O. Box 655474
Dallas, TX 75265