

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RANDY W. SIMON, CHRISTINE E. PLATT,  
ALFRED E. LEE and GREGORY S. LEE

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Appeal No. 1997-0054  
Application No. 08/308,781

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HEARD: August 16, 2000

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Before KIMLIN, WALTZ and TIMM, Administrative Patent Judges.  
KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 11-14, 17-23, 26-32 and 37-46. Claims 15 and 16 have been allowed by the examiner. Claims 24, 25 and 33-36, the other claims remaining in the

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present application, stand objected to by the examiner. Claim 11 is  
illustrative:

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11. A superconductor coplanar waveguide comprising:
- (a) a lanthanum aluminate substrate; and
  - (b) at least one superconductor film on the lanthanum aluminate substrate.

The present application is related to two other applications presently before us on appeal, U.S. Application No. 08/433,818 (Appeal No. 1997-2063) and U.S. Application No. 07/803,935 (Appeal No. 1995-5082). All three applications are, ultimately, continuations of U.S. Application No. 07/233,637, filed August 18, 1988, now U.S. Patent No. 5,523,282.

Appealed claims 11-14, 17-23, 26-32 and 37-46 stand rejected under 35 U.S.C. § 112, first paragraph, as being based upon a non-enabling disclosure.<sup>1</sup>

Upon careful consideration of the opposing arguments presented on appeal, we will not sustain the examiner's rejection. Our rationale for concurring with the position articulated by appellants can be found in our decision in co-pending application, U.S. Application No. 08/433,818 (Appeal No. 1997-2063), which decision we incorporate herein.

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<sup>1</sup> The examiner has withdrawn the provisional double patenting rejection (see page 1 of Answer).

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The examiner's decision rejecting the appealed claims is reversed.

REVERSED

EDWARD C. KIMLIN	)	
Administrative Patent Judge	)	
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	)	
	)	
THOMAS A. WALTZ	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
CATHERINE TIMM	)	
Administrative Patent Judge	)	

ECK:clm

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