

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(2) is not binding precedent of the Board.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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHIGETO MAEGAWA

Appeal No. 97-0725
Application 08/304,906¹

ON BRIEF

Before JERRY SMITH, BARRETT and CARMICHAEL, ***Administrative Patent Judges***.

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

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-21, 29-31, and 34, which constitute all the claims remaining in the application.

Claim 1 reads as follows:

¹ Application for patent filed September 13, 1994.

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1. A thin film transistor, comprising:

an active layer including a channel region of a first conductivity type, a source region of a second conductivity type adjacent to one end of the channel region, an offset region of the first conductivity type having one end connected to another end of said channel region, and a drain region of the second conductivity type connected to another end of the offset region;

a first insulating film formed on a first surface of said active layer;

a gate electrode formed at a position opposing to said channel region with said first insulating film interposed; and

a second insulating film formed at a position opposing to said offset region with said first insulating film interposed, including an ion implanted impurity for forming charges in an amount sufficient to reduce the leakage current.

The examiner's answer cites admitted prior art and the following reference:

Woods

4,007,294

Feb. 8, 1977

OPINION

The claims stand rejected under 35 U.S.C. § 103 as unpatentable over admitted prior art in view of Woods.

While the examiner has set forth a **prima facie** case of obviousness as to claims 1 and 6, the examiner has not stated a **prima facie** case as to claims 11, 17, 20, and 21 because there is no treatment of the penultimate recitation of each of these claims.

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In response to the rejection, appellant argues *inter alia* that application of Woods' teachings to the admitted prior art thin film transistor would render the transistor unsuitable for its intended function because Woods' application of 5,000 volts would exceed the transistor's breakdown voltage. Appellant supports his argument with reference to technical literature. Appeal Brief at 16.

The examiner does not reply to that argument. Because appellant's argument appears reasonable on its face and the examiner has not addressed it, we are constrained to reverse the entire rejection on the present record.

CONCLUSION

The rejection is not sustained.

REVERSED

JERRY SMITH)	
Administrative Patent Judge)	
)	
)	
LEE E. BARRETT)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
JAMES T. CARMICHAEL)	
Administrative Patent Judge)	

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