

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

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DARRELL D. PALMER

Appeal No. 1998-2515
Application 08/548,938

ON BRIEF

Before JERRY SMITH, FLEMING and BLANKENSHIP, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 29-48. Claims 1-28 have been canceled, and claims 49-52 stand withdrawn from consideration as being directed to a nonelected invention. An amendment after final rejection was filed on June 30, 1997 and was entered by the examiner.

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The disclosed invention pertains to a slider suspension assembly for a data-recording disk file, and more particularly, to an improved slider suspension assembly and to a method for mechanically and electrically attaching the slider to the suspension.

Representative claim 29 is reproduced as follows:

29. A head gimbal assembly comprising:

a load beam;

a flexure coupled to said load beam;

an integrated cable formed at least partially within said load beam along the length thereof, said integrated cable having a dielectric layer and a plurality of conductors disposed upon said dielectric layer;

a slider mounted to said flexure having a plurality of conductive pads disposed along a selected edge thereof;

a loop within said integrated cable of a radius sufficient to cause said integrated cable to overlie said selected edge of said slider; and

at least one aperture within said dielectric layer within said loop of said integrated cable overlying said plurality of conductive pads such that said plurality of conductors are in electrical contact with said plurality of conductive pads.

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The examiner relies on the following references:

Oberg (Oberg '094)	4,819,094	Apr. 04, 1989
Oberg (Oberg '833) ¹ (UK application)	2,193,833	Feb. 17, 1988

Claims 29, 33, 39 and 43 stand rejected under 35

U.S.C.

§ 102(b) as being anticipated by the disclosure of Oberg '094 or Oberg '833². Claims 30-32, 34-38, 40-42 and 44-48 stand rejected under 35 U.S.C. § 103. As evidence of obviousness the examiner offers Oberg.

Rather than repeat the arguments of appellant or the examiner, we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the

¹ This reference is referred to as Hutchinson Technology in the examiner's answer.

² Since Oberg '094 and Oberg '833 disclose essentially the same subject matter, we will simply refer to Oberg as designating Oberg '094 or Oberg '833.

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evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellant's arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that Oberg does not support the rejection of any of claims 29-48. Accordingly, we reverse.

Appellant has indicated that for purposes of this appeal the claims will all stand or fall together as a single group [brief, page 3]. Consistent with this indication appellant has made no separate arguments with respect to any of the claims on appeal. Since there are two different rejections before us, appellant's grouping will be accepted as a representation that all the claims within each rejection will stand or fall together. Note In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137 (Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983). Accordingly, we will only consider the rejections against a single claim

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from each separate rejection as representative of all the claims on appeal.

We consider first the rejection of claims 29, 33, 39 and 43 under 35 U.S.C. § 102(b) as anticipated by the disclosure of Oberg. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to representative, independent claim 29, the examiner indicates how he reads the claim on the disclosure of Oberg [answer, pages 3-4]. Appellant argues that there is no disclosure in Oberg of conductive pads disposed along a selected edge of the slider and an aperture within a dielectric layer which is overlying said plurality of conductive pads and connected as recited in claim 29. The

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examiner responds that conductive pads are notoriously well known and are necessarily included on the slider for connection to the two conductors [answer, pages 5-6]. The examiner also responds that the point where the conductors exit the insulation is an aperture in the dielectric layer as recited in the claim [id., pages 6-7].

The examiner has failed to establish a prima facie case of anticipation because the examiner has ignored certain language of the claim. Specifically, claim 29 recites that a plurality of conductive pads are disposed along a selected edge of the slider. Although we agree with the examiner that electrical connection between the conductors and the slider in Oberg must be present, there is no requirement in Oberg or any disclosure that the electrical connection is along a selected edge of the slider. In fact, the drawings of Oberg appear to show the conductors and the dielectric entering the interior of the slider assembly. We agree with appellant that the conductors of Oberg may "traverse a substantial portion of the body of slider 202 before being electrically coupled to a plurality of conductive pads" [reply brief]. Thus, the examiner has failed to demonstrate the presence of conductive

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pads in Oberg located as recited in the claimed invention.

Since the conductive pads of the claimed invention are not disclosed by Oberg, the claimed location of the aperture in the dielectric is also not disclosed by Oberg regardless of whether the examiner's definition of aperture makes any sense. Since all the limitations of claims 29, 33, 39 and 43 are not present within the disclosure of Oberg, the anticipation rejection of these claims is not sustained.

We now consider the rejection of claims 30-32, 34-38, 40-42 and 44-48 under 35 U.S.C. § 103. This rejection is based on the examiner's erroneous finding of anticipation as discussed above. Therefore, the examiner has also failed to establish a prima facie case of obviousness. Accordingly, we also do not sustain the obviousness rejection of these claims.

In summary, we have not sustained any of the examiner's prior art rejections based on Oberg. Therefore, the decision of the examiner rejecting claims 29-48 is reversed.

REVERSED

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Administrative Patent Judge)	
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MICHAEL R. FLEMING)	BOARD OF PATENT
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