

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TRISTAN WERNER

Appeal No. 2002-0130
Application No. 09/265,479¹

HEARD: January 7, 2003

Before PAK, KRATZ, and JEFFREY T. SMITH, Administrative Patent Judges.

PAK, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1 through 7, which are all the claims pending in the above-identified application.

¹ Application for patent filed March 10, 1999.

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The subject matter on appeal is directed to a ferrite core assembly wherein a ferrite core of an inductive component is directly bonded to a metal layer via a commercially available particular electrically conductive adhesive. See the specification, pages 2-4 and 6-8. This electrically conductive adhesive not only must be thermally stable within an operating temperature range of the inductive component, but also must be capable of reducing damping of the inductive component. See the specification, page 1, together with claim 1. Further details of the subject matter on appeal are defined by representative claim 1 which is reproduced below:

1. A ferrite core assembly of an inductive component with a defined electric potential and reduced damping behavior, comprising:

a ferrite core of an inductive component;

a metal layer disposed on said ferrite core; and

an electrically conductive adhesive bonding said metal layer to said ferrite core, said adhesive being selected so as to adhere and be thermally stable within an operating temperature range of the inductive component.

Claims 1 through 7 stand rejected under 35 U.S.C. § 102(e) as anticipated by the disclosure of U.S. Patent 5,653,841 (filed

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April 13, 1995) issued to Krishnamurthy et al. on August 5, 1997 (hereinafter referred to as Krishnamurthy).

We reverse.

We initially observe that an anticipation under Section 102 is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention. *See In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990); *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

The examiner finds (Answer, page 3) that Krishnamurthy discloses

a ferrite disk 21 ... that is **dielectrically bonded** to the conductive disk 19 with and [sic, an] adhesive 22 as seen in figures 1a and 1b (col. 5, lines 15-19). (emphasis added).

The examiner, however, has not established that the "dielectrical" adhesive layer 22 described in Krishnamurthy is the claimed electrically conductive layer.² When the appellant points to this deficiency in the examiner's finding at pages 6

² Indeed, page 183 of *Grant & Hackh's Chemical Dictionary*, Fifth edition, McGraw-Hill Book Company (1987) (attached herewith) defines the term "dielectric" as "a nonconductor of electricity."

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through 9 of their Brief, the examiner refers to electrically conductive adhesive 222 in Figure 4. See column 9, lines 7-27. There is nothing in Krishnamurthy that such adhesive is used as "dielectrical" adhesive layer 22 of Figures 1a and 1b. See Krishnamurthy in its entirety. Nor would a person having ordinary skill in the art readily envisage employing electrically conductive adhesive 222 in Figure 4 as "dielectrical (non-electrically conductive) adhesive layer 22 of Figures 1a and 1b. Moreover, as is apparent from Figure 4, the electrically conductive adhesive is employed in a different environment than that illustrated in Figures 1a and 1b referred to by the examiner. We find that electrically conductive adhesive 222 is placed between compositionally identical conductive layer 231³ and ground plane 226 (e.g., a sheet or a thick layer of sputtered copper). See column 9, lines 2-31. We observe nothing in Krishnamurthy that describes bonding directly a ferrite disk and a metal layer via an electrically conductive adhesive within the meaning of 35 U.S.C. § 102.

³ Conductive layer 231 is said to be directly attached to ferrite disk 232.

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In view of the foregoing, the decision of the examiner is reversed.

REVERSED

CHUNG K. PAK)	
Administrative Patent Judge)	
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PETER F. KRATZ)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
JEFFREY T. SMITH)	
Administrative Patent Judge)	

CKP:vsh

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LERNER AND GREENBERG
P.O. BOX 2480
HOLLYWOOD, FL 33022-2480