

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENDALL S. WILLS and PAUL A. RODRIGUEZ

Appeal No. 1997-1390
Application No. 08/485,199

ON BRIEF

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

REQUEST FOR REHEARING

Appellants request reconsideration of our decision of November 8, 1999, wherein we reversed the examiner's rejection of claims 18-28 under 35 U.S.C. § 103, and affirmed the examiner's rejection of claims 27-30 under 35 U.S.C. § 112, first paragraph. Appellants make no argument regarding our

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affirmance of claims 27 and 28 under § 112, first paragraph, but request that we reconsider our decision with respect to the affirmance of claims 29 and 30 under § 112, first paragraph.

Appellants acknowledge our finding in the decision that "there is simply no description of a conductive layer that is horizontally oriented on an annealed edge" (sentence bridging pages 4 and 5 of Decision), but submit that because claims 29 and 30 depend upon claim 26, they "do not contain the limitation at issue in Claim 27" (page 2 of Request).

We agree with appellants that claim 29, being dependent upon claim 26, does not specify that the conductive layer is horizontally oriented on an annealed edge. Accordingly, we will grant appellants' request and modify our decision by reversing the examiner's rejection of claim 29 under § 112, first paragraph. However, we disagree with appellants' assessment of claim 30, which recites "said conductive layers are horizontally oriented and spaced apart on said annealed edge." Hence, contrary to appellants' argument, claim 30 does, in fact, contain the limitation at issue in claim 27. Accordingly, we deny appellants' request to modify our

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decision by reversing the examiner's rejection of claim 30
under § 112, first paragraph.

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Accordingly, appellants' request is granted-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

GRANTED-IN-PART

EDWARD C. KIMLIN)	
Administrative Patent Judge)	
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BRADLEY R. GARRIS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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THOMAS A. WALTZ)	
Administrative Patent Judge)	

ECK:clm

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