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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/271,454	11/10/2005	Michael Shirk	IL-11345	9500
24981	7590	02/27/2013	EXAMINER	
Lawrence Livermore National Security, LLC			HEINRICH, SAMUEL M	
LAWRENCE LIVERMORE NATIONAL LABORATORY			ART UNIT	PAPER NUMBER
PO BOX 808, L-703			3742	
LIVERMORE, CA 94551-0808			MAIL DATE	DELIVERY MODE
			02/27/2013	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MICHAEL SHIRK and JEVAN FURMANSKI

Appeal 2010-011408
Application 11/271,454
Technology Center 3700

Before ANTON W. FETTING, MEREDITH C. PETRAVICK, and
JAMES A. TARTAL, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE¹

Michael Shirk, et al. (Appellants) seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1-14. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

Appellants' claimed invention relates to a laser machining system. Spec. [0003].

Claim 1, reproduced below, is illustrative of the subject matter on appeal.

1. An apparatus for machining a workpiece to desired specifications, comprising:
 - a workpiece design having workpiece specifications,
 - a workpiece substrate, said workpiece substrate having topography,
 - a laser that produces a laser beam;
 - a controlled stage that positions said workpiece substrate relative to said laser beam, wherein the said workpiece substrate is operatively connected to said controlled stage;
 - a profilometer that measures said topography of said workpiece substrate and produces workpiece topography data;
 - and
 - a computer and control system operatively connected to said laser, to said controlled stage, and to said profilometer, wherein said computer and control system compares said workpiece topography data with the desired finished workpiece specifications and controls said controlled stage and said laser; wherein said computer and control system causes said workpiece substrate to be moved with respect to the laser beam in a desired fashion, within certain velocity, acceleration, and

¹ Our decision will make reference to the Appellants' Appeal Brief ("App. Br.," filed Apr. 23, 2010) and Reply Brief ("Reply Br.," filed Jul. 12, 2010), and the Examiner's Answer ("Ans.," mailed Jun. 24, 2010).

distance constraints and wherein said computer and control system causes said laser and said laser beam to machine said workpiece substrate to said workpiece specifications and said workpiece design producing the desired finished workpiece.

The Examiner relies upon the following evidence:

Nagy	US 5,504,303	Apr. 2, 1996
Kurtz	US 5,625,635	Apr. 29, 1997
Detalle	US 6,532,068 B2	Mar. 11, 2003
Ngoi	US 6,555,781 B2	Apr. 29, 2003

Claims 1-3 and 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Nagy.

Claims 4, 5, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagy and Detalle.

Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagy and Ngoi.

Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagy and Kurtz.

ANALYSIS

After carefully considering Appellants' arguments (App. Br. 18-60, Reply Br. 2-8), we agree with and adopt the Examiner's findings and rationales, as set forth on pages 3-9 of the Examiner's Answer.

CONCLUSIONS OF LAW

We conclude that Appellants have not overcome the Examiner's rejection of claims 1-3 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by Nagy.

We further conclude that Appellants have not overcome the Examiner's rejection of claims 1-3 and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Nagy.

We further conclude that Appellants have not overcome the Examiner's rejection of claims 4, 5, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Nagy and Detalle.

We further conclude that Appellants have not overcome the Examiner's rejection of claims 6 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Nagy and Ngoi.

We further conclude that Appellants have not overcome the Examiner's rejection of claims 7 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Nagy and Kurtz.

DECISION

We AFFIRM the decision of the Examiner to reject claims 1-14.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2011).

AFFIRMED

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