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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YONGGANG CHEN, SHRIRAM KULKARNI,
and PRASHANT SHAMARAO

Appeal 2017-009361
Application 13/244,429
Technology Center 2800

Before MAHSHID D. SAADAT, GEORGIANNA W. BRADEN, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellant¹ requests rehearing of the April 9, 2019, Decision on Appeal (“Decision”), wherein we affirmed the rejection of claims 1–16 under 35 U.S.C. § 103(a) and reversed the rejections of claims 1–16 under pre-AIA 35 U.S.C. § 112, first and second paragraphs. We have reconsidered the Decision in light of Appellant’s arguments in their Request for rehearing (Req. Reh’g) but, for the reasons given below, we are not

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Integrated Device Technology, Inc. Appeal Br. 4.

persuaded any points were misapprehended or overlooked by the Board in our Decision.

ANALYSIS

Appellant contends the Board erred in affirming the rejection of claims 1–16 under 35 U.S.C. § 103(a) based on the combination of Guo² and Miske³ by failing to consider the limitation of switching at the same time, as required in claims 1 and 2, whereas “**Miske depending on the state of EN (0 or 1) connects things at different times.**” Req. Reh’g 3. Appellant asserts the following:

The circuits of Guo and Miske do not exist in two different states at the same time. That is, regardless of how they are combined and regardless of how they switch they are deterministic. Being deterministic means that however they switch in combination is predictable and most importantly repeatable. That is, if the combination “switches” at the same time it will repeat that when given the same inputs. Likewise, if the combination “switches” at different times it will repeat that when given the same inputs. Now since the Guo-Miske combination, as noted by the Board (Decision 13) uses the EN signal, this can be either high or low (i.e. it’s digital and binary). That is, when EN=0 there is one set of “switching” conditions, and when EN=1 there is a second set of “switching” conditions. That is regardless of the connections and delay paths the switching will be consistent for EN=0 and EN=1 and is repeatable for each.

Id. (underlining omitted). Additionally, Appellant argues “[c]laims **1 and 2 switch at the same (first) time, and claims 3-6 at the same (second) time. Therefore, this is not consistent with the Board’s own acknowledgement**

² Guo (US 7,924,085 B2; iss. Apr. 12, 2011).

³ Miske (US 7,095,266 B2; iss. Aug. 22, 2006).

of different times as shown by Miske. This is exemplified by claims 8 and 9 which are at different times.” *Id.* (underlining omitted).

First, our reliance on Figure 2A of Miske was to show the bias scheme for the switches nF1–nF4, rather than the sequence of switching, which is recited in Appellant’s claim 1. Decision 10–11. As further explained in our Decision, the complete circuit shown in Figure 5 of Miske provides the method of switching “a gate of an n-type field effect transistor in a transmission gate” and “a body of said n-type field effect transistor in said transmission gate” recited in claim 1.

Notably, Appellant’s “SUMMARY OF CLAIMED SUBJECT MATTER” describes claims 1, 2, 8, and 9 by referring to the same set of figures and paragraphs, i.e., Figures 5(a)–5(d), ¶¶ 21–29, for switching the n-type or p-type field effect transistors at the same time or at different times. *See* Appeal Br. 6–10. Appellant’s Figure 5 Similarly shows switching of the transistor gate from ON to OFF state by connecting the gate to VDD or GND potential, which similar to the switching scheme in Miske, takes place at different times. *See* Spec. ¶¶ 25–26; Miske 3:33–45.

Second, Appellant’s argument that “**Miske depending on the state of EN (0 or 1) connects things at different times,**” lacks sufficient specificity and fails to identify the specific differences between the claims and the cited portions of Miske. *See* Req. Reh’g 3. In fact, Appellant has not described how switching the gate and body of the n-type field effect transistor in Miske takes place at different times whether EN=0 or EN=1, whereas our Decision clearly explained that in each of the two states of EN signal, the gate and the body are switched from ground to VDD at the same time. *See* Decision 13. Similarly, our Decision explained that the limitation of claim 8

which depends from claim 7, when interpreted as broadly as reasonable and consistent with the Specification, is met by the disclosure of Miske that includes both ON and OFF states of the signal recited in claim 7. *See* Decision 12–13. Claim terms in a patent application are given the broadest reasonable interpretation consistent with the Specification, as understood by one of ordinary skill in the art. *In re Crish*, 393 F.3d 1253, 1256 (Fed. Cir. 2004).

Accordingly, we are unpersuaded that our Decision did not consider the teachings of Miske or misapprehended Appellant’s argument alleging that the combination of Guo and Miske fails to teach or suggest the recited features in affirming the rejection of claims 1–16.

DECISION

For the reasons stated above, Appellant has not persuaded us that we misapprehended or overlooked any issue of fact or law in our Decision.

We have reconsidered our Decision dated April 9, 2019, but we deny Appellant’s request to make any changes therein.

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. § 41.50(f).

REHEARING DENIED