

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control-No.	Patent Under Reexamination
	90/011,607	6057221
	Examiner	Art Unit
	ANDREW J. FISCHER	3992

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
- (a) Patent owner's communication(s) filed: 26 March 2012.
- (b) Patent owner's late response filed: _____.
- (c) Patent owner's failure to file an appropriate response to the Office action mailed: _____.
- (d) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
- (e) Other: _____.
- Status of *Ex Parte* Reexamination:
- (f) Change in the Specification: Yes No
- (g) Change in the Drawing(s): Yes No
- (h) Status of the Claim(s):
- (1) Patent claim(s) confirmed: 4, 14 and 18.
- (2) Patent claim(s) amended (including dependent on amended claim(s)): 3, 6-8, 13, 15, 17 and 21
- (3) Patent claim(s) canceled: 1, 2, 5, 9-12, 16, 19 and 20.
- (4) Newly presented claim(s) patentable: 22-30.
- (5) Newly presented canceled claims: _____.
- (6) Patent claim(s) previously currently disclaimed: _____
- (7) Patent claim(s) not subject to reexamination: _____.
2. Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3. Note attached NOTICE OF REFERENCES CITED (PTO-892).
4. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
5. The drawing correction request filed on _____ is: approved disapproved.
6. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
 been received.
 not been received.
 been filed in Application No. _____.
 been filed in reexamination Control No. _____.
 been received by the International Bureau in PCT Application No. _____.
- * Certified copies not received: _____.
7. Note attached Examiner's Amendment.
8. Note attached Interview Summary (PTO-474).
9. Other: _____.

cc: Requester (if third party requester)
U.S. Patent and Trademark Office

Detailed Action

Preliminary Matters

The Declaration and affidavits filed with the Response on 03/26/2012 on behalf of the Patent Owner and others have been instrumental in a greater understanding of the intricacies of this case. As such, as noted hereinbelow, this Notice of Reexam Confirmation (NIRC) is prepared. This Declaration and supporting documents/exhibits are incorporated herein by reference.

At present, there are a total of 20 claims in the instant application: Independent Claim 3 with dependent Claims 4, 6, 7, 8, 13, 21, 22, 23, 24, 25 and 30; independent Claim 14 with dependent Claims 15 and 29; independent Claim 17 with dependent Claim 18; and independent Claim 26 with dependent Claims 27 and 28. Claims 1, 2, 5, 9, 10, 11, 12, 16, 19 and 20 have been proposed to be canceled.

Statement of Reasons for Patentability and/or Confirmation

This Action is taken up in response to a Request for Reconsideration including amendments, arguments, a declaration and supporting documents filed on 03/26/2012.

Claim Rejections - 35 USC § 112

In view of the Patent Owner's explanation of the term "via" as used in Claim 23 on pages 3 and 4 of the Response, the rejection of this claim as indefinite has been overcome. Therefore, the rejection of this claim under 35 USC 112, second paragraph, is withdrawn.

Claim Rejections - 35 USC § 102

The 35 USC 102(b) rejection of Claim 11 based upon Nishimura has been overcome with the amendment proposing cancellation of this claim.

Claim Rejections - 35 USC § 103

Claims 3, 4, 6-8, 23, 25, 26 and 28 were rejected under 35 USC 103(a) as unpatentable over Koyou in view of Wada of record. It is agreed that Koyou discloses a vertical fuse, while Wada discloses a horizontal fuse. Therefore, as noted in paragraphs 34-38 of the Bernstein Declaration, a person of ordinary skill in the art would not combine the features from Wada with the fuse of Koyou, since *inter alia*, fuse dimensions in horizontal fuse structures are necessarily constant (Wada) while in vertical fuse structures (Koyou) they are not. Thus, the combination of Koyou with Wada to render obvious such a feature for a "cut-link pad" having a width "at least ten percent greater than the width of each of first and second electrically-conductive lines" as recited in Claim 3 is problematical as stated in paragraphs 36-37 of the Bernstein Declaration and evidenced by the Lattice Analysis and Samsung Analysis design rules. This along with other salient points asserted on pages 6-10 of the Response effectively

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overcome the rejection of these claims under 35 USC 103 based upon Koyou in view of Wada.

Moreover, it is agreed that the phrase, "cut-link pad having substantially less thermal resistance per unit length than each of the first and second lines" (Claims 3 and 26) is no longer met by the combination of Koyou and Wada for at least the reason expressed Section B of the Response (incorporated herein by reference), and in paragraphs 20-27 and 40 of the Bernstein Declaration and Exhibit D.

Therefore, based on the above reasons, the rejections of independent Claims 3 and 26 along with dependent Claims 4, 6, 7, 8, 13, 21, 22, 23, 24, 25, 27, 28 and 30 as unpatentable over Koyou in view of Wada are withdrawn. These claims are deemed patentable over the combination of Koyou and Wada.

Similarly, the rejections under 35 USC 103(a) of Claims 17 and 18 based upon the combination of Koyou, and Wada, and further in view of Lou are no longer valid. That is, Lou was cited to show the passivative layer feature in the fuse structure of the Koyou/Wada combination. Since the combination of the Koyou and Wada has been overcome as noted above, Lou is no longer relevant. Thus, the above rejection of these claims is withdrawn, and Claims 17 and 18 are therefore, patentable.

Claims 14, 15 and 29 were held rejected as unpatentable over Wada in view of Lou. In addition to the already determined patentable feature of the "cut-link pad having substantially less thermal resistance per unit length than each of the first and second lines" (Claim 14), Lou was cited to disclose that a passivative layer covering the substrate is harder than the substrate as recited. However, it is agreed that paragraphs

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73-78 of the Bernstein Declaration along with Exhibits L and M clearly point out that this is not a "well known" feature as the rejection of 01/26/2012 maintained. That as pointed out in the Bernstein Declaration, covering the fuse with a passivative layer harder than the substrate teaches away from such a feature since it makes it more difficult to sever the fuse (Declaration, para. 77).

Moreover as pointed out on page 32 of the Response for the reasons stated therein, Lou fails to require a "passivative layer that is harder than the substrate" as recited in Claim 14. As such, the rejection of Claim 14 as unpatentable over Wada in view of Lou is withdrawn, and Claim 14 along with dependent Claims 15 and 29 are now deemed patentable.

Conclusion

Claim 3 along with dependent Claims 4, 6-8, 13, 21-25 and 30; Claim 14 along with dependent Claims 15 and 29; Claim 17 along with dependent Claim 18; and Claim 26 along with dependent Claims 27 and 28 are confirmed as patentable.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

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