

COMMISSIONER'S DECISION

OBVIOUSNESS: (conflict) Electronic Capacitors

Capacitors are produced by cosintering layers of ceramic dielectric and layers of non-noble metal materials indifferent to the dielectric layers. During conflict proceedings the conflict claims are rejected as indefinite for failing to properly define the invention. An amendment proposed by the Board was accepted by the applicant. It overcomes the cited art and at the same time avoids the conflict.

Final Action: Affirmed but overcome by amendment.

Patent application 199023 (Class 334-7.1), was filed on May 6, 1974 for an invention entitled "Capacitor With Non-Noble Metal Electrodes And Method Of Making The Same." The inventor is Gilbert L. Marshall, assignor to Erie Technological Products, Inc. The Examiner in charge of the application wrote a letter on December 1, 1978, under Section 45(4) of the Patent Act.

The application is directed to a ceramic capacitor, having electrodes. The capacitor is formed by cosintering layers of ceramic dielectric and layers of non-noble metal materials indifferent to the dielectric layers corresponding in area and position to the electrodes.

In a letter written under Section 45(4) of the Patent Act the Examiner refused the conflict claim in view of the following patents:

References Applied:

Japanese Patent Publication		
45-31212	Published October 8, 1970	
United States Patents		
3,040,213	June 19, 1962	Byer et al
2,919,483	Jan. 5, 1960	Gravley


In response to that letter the Applicant argued that the conflict claims, in his view, properly distinguish from the cited patents and he explained the reason why.

On a review of the application by the Patent Appeal Board some problems were encountered. We found that some of the conflict claims were indefinite and that they did not properly define the invention described in the disclosure and illustrated in the drawings.

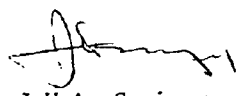
On July 23, 1979 a letter was sent to the Applicant explaining that, in our view, an important feature of the invention was not defined in the claims. That feature is directed to the fact that the described material is capable of being chemically converted to or replaced by conductive material. The Applicant was also advised that such an amendment would also overcome the teachings of the cited references and terminate the conflict proceedings.

On September 7, 1979 the Applicant amended all of the conflict claims as suggested by the Board. Since the amended claims now avoid the cited patents and properly define the invention no further discussion is deemed necessary.

We recommend that the application be returned to the Examiner for resumption of prosecution.


J.F. Hughes
Assistant Chairman
Patent Appeal Board, Canada

I concur with the reasoning and findings of the Board. Accordingly, I return the application to the Examiner.


J.H.A. Gariepy
Commissioner of Patents

Dated at Hull, Quebec

this 19th. day of November, 1979
Agent for Applicant

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