

REMARKS

Claims 1 – 6 are currently pending in this application. By the foregoing amendment, claims 1, 3 and 4 have been amended.

Objections to the Specification

The disclosure was objected to due to informalities, the abstract was objected to due to lack of adequate description and the title was objected to for being insufficiently descriptive of the remaining claims 1 – 6 in this application. In compliance with the requirements, the abstract of the disclosure, the title, and Paragraphs [0001]-[0008], [0010], [0028], [0031], [0035]-[0045], [0048]-[0053], [0057]-[0061] and [0064]-[0066] are amended to correct the objections to the specification.

In view of the amendments to the specification, withdrawal of the objection to the specification is respectfully requested.

Objections to the Claims

Claims 1 – 6 were objected to because of informalities. Claims 1, 3 and 4 have been amended to incorporate the Examiner's suggestions.

In view of the amendments to Claims 1, 3 and 4, withdrawal of the objection to the Claims is respectfully requested.

Claim Rejections - 35 U.S.C. §112

Claims 1 – 6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. Claims 1, 3 and 4 have been amended to incorporate the Examiner’s suggestions.

In view of the amendments to Claims 1, 3 and 4, withdrawal of the § 112 rejection of Claims 1 – 6 is respectfully requested.

Claim Rejections - 35 U.S.C. §102 or §103

Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Miyazaki et al. (“Miyazaki”, US 2002/0042007).

Amended independent Claim 1 recites the distinguishing technical features “the respective first group includes at least one variant photomask layout pattern, and the at least one variant photomask layout pattern is replaced by a standardized photomask layout pattern.”

Miyazaki (referring to FIGS. 33(a) and 33(b) and the descriptions in Paragraphs [0055] and [0184] thereof) teaches a modified photomask MR9M. The modified photomask MR9M includes a substrate and a plurality of etched patterns.

The plurality of etched patterns are formed on the substrate according to a photomask layout. The photomask layout has a plurality of photomask layout patterns categorized into a plurality of first groups, each of the first groups includes a plurality of identical initial layout patterns, and each of the first groups is reproduced from an initial layout having a plurality of initial layout patterns categorized into a plurality of second groups to which the plurality of first groups respectively correspond, wherein the plurality of photomask layout patterns respectively correspond to the plurality of initial layout patterns and at least one of the plurality of the photomask layout patterns is replaced by a standardized photomask layout pattern.

As described in application Paragraphs [0051] and [0063]-[0064], in order to make the photomask layout cells in the same respective group identical, the photomask layout cells in the same respective group must be inspected to find out any variant photomask layout cell, i.e. any different pattern in the same photomask cell group. Then all the photomask layout cells in the group can be caused to be identical (shape and size) to each other by replacing the variant one with a selected one according to a result of the inspection. Due to the claimed elements, all patterns in a group are made identical through categorizing patterns into groups, inspecting the processed patterns and replacing variant processed pattern by a selected one. The purpose of the method is to solve the existing problem that the

different photomask patterns are produced from the same design layout pattern in the same condition, to save time by eliminating the process of verifying the photomask layout several times, and to increase the yield.

Miyazaki fails to disclose the claimed features. Absent those features, unexpectedly different photomask patterns are undesirably produced even in the same design layout condition. As a result, the lack of a determination of a variant photomask layout pattern in the unexpectedly different photomask patterns and a replacement of the variant photomask layout pattern in the prior art deteriorates the reliability of the photomask and suffers from the relatively lower productivity.

Therefore, it is apparent that the technical features of amended Claim 1 are distinguishable from Miyazaki and one skilled in the art could not easily anticipate the above-mentioned distinguishing technical features of amended Claim 1. Further, the above mentioned efficacy resulting from the above distinguishing features recited in amended Claim 1 cannot be obtained by Miyazaki. Hence, amended independent Claim 1 is novel and non-obviousness over the Miyazaki.

Claims 2 – 6 are dependent upon currently amended Claim 1 and are allowable over Miyazaki for at least the same reasons as discussed above.

Based on the amendments and arguments presented above, withdrawal of the § 102(b) or § 103(a) rejection of Claims 1 – 6 is respectfully requested.

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Conclusion

If the Examiner believes that any additional matters need to be addressed in order to place this application in condition for allowance, or that a telephone

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interview will help advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 - 6, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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