Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
**Office Action Summary**

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Applicant(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/045,118</td>
<td>Suzuki et al.</td>
</tr>
</tbody>
</table>

Examiner: Neal Berezny

Group Art Unit: 2823

- □ Responsive to communication(s) filed on ________________________________
- □ This action is **FINAL**.
- □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

- ☒ Claim(s) 1-41 __________________________________ is/are pending in the application.
- Of the above, claim(s) __________________________________ is/are withdrawn from consideration.
- □ Claim(s) ___________________________________________ is/are allowed.
- □ Claim(s) ___________________________________________ is/are rejected.
- □ Claim(s) ___________________________________________ is/are objected to.
- ☒ Claims 1-41 ________________________________________ are subject to restriction or election requirement.

**Application Papers**

- □ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- □ The drawing(s) filed on __________________________ is/are objected to by the Examiner.
- □ The proposed drawing correction, filed on __________________________ is  □ approved  □ disapproved.
- □ The specification is objected to by the Examiner.
- □ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- □ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - □ All  ☐ Some*  ☐ None  of the CERTIFIED copies of the priority documents have been
    - □ received.
    - □ received in Application No. (Series Code/Serial Number) __________________________.
    - □ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

  *Certified copies not received: ____________________________________________


**Attachment(s)**

- □ Notice of References Cited, PTO-892
- □ Information Disclosure Statement(s), PTO-1449, Paper No(s). __________
- □ Interview Summary, PTO-413
- □ Notice of Draftsperson's Patent Drawing Review, PTO-948
- □ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---
DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-27, drawn to a method of making a semiconductor device, classified in class 438, subclass 303.

II. Claims 28-41, drawn to a semiconductor device, classified in class 257, subclass 288+.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, applicant forms a gate electrode and then dopes the region adjacent to the gate electrode.

Alternatively, one could first form a conductive layer, then deposit and pattern a thick layer of photoresist, such that the resist is removed where the source and drain regions are to be and the resist remains where the gate electrode is to be formed. Next a high energy implant could be used to dope the semiconductor region, forming the source and drain, then the gate electrode
could be formed by etching away the conductive layer in those regions without resist, i.e. leaving the conductive layer in the gate region.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
CONCLUSION

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal Berezny whose telephone number is (703) 305-1481. The examiner can normally be reached on Monday to Friday from 7:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Wael Fahmy, can be reached at (703) 308-4918. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Neal Berezny
9/21/99

Neal Berezny
Patent Examiner
Art Unit 2823