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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/964,190	10/12/2022	Kun YU	084546-000033USD1	7994
22204	7590	05/12/2023	EXAMINER	
NIXON PEABODY, LLP			MOWLA, GOLAM	
799 Ninth Street, NW			ART UNIT	PAPER NUMBER
SUITE 500			1721	
WASHINGTON, DC 20001			NOTIFICATION DATE	DELIVERY MODE
			05/12/2023	ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 04/24/2023 has been entered.

Information Disclosure Statement

3. The information disclosure statement filed on 04/19/2023 is same as the IDS filed on 04/24/2023. Since the IDS filed on 04/24/2023 has been considered, the references cited in IDS filed on 04/19/2023 have been crossed out.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible

harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-L.jsp.

5. Claims 1-7, 9-12, 14, 18 and 20-27 are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of copending Application No. 18/071,430. The claims of copending application encompass all the limitations of pending claims.

This is a provisional nonstatutory double patenting rejection.

6. Claims 1-7, 9-12, 14, 18 and 20-27 are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of copending Application No. 18/132,796. The claims of copending application encompass all the limitations of pending claims.

This is a provisional nonstatutory double patenting rejection.

Conclusion

7. The search did not reveal any pertinent art that discloses a solar cell as required by the instant claims. WO 2016/129481 A1 to Sakai et al. is the closest prior art.

WO 2016/129481 A1 to Sakai et al. discloses an optoelectric transducer 10 which functions as a solar cell (refer to paragraph [0025]-[0112], [0224], and Fig.1 A-5), consist of a n type single crystal silicon substrate, and (refer to paragraph [0028]) with the semiconductor substrate 1 which has texture structure on a rear face, consist of silicon nitride and (refer to paragraph [0029] and [0039]) with the antireflection layer 2 of the aforementioned semiconductor substrate 1 which is placed in front, and placed between the aforementioned

antireflection layer 2 and a light receiving surface, and (refer to paragraph [0039]) with the amorphous semiconductor layer which improves the passivation nature of a light receiving surface, it consists of an oxide of silicon and is placed on the aforementioned texture structure in the rear face of the aforementioned semiconductor substrate 1, (Refer to paragraph [0030] and [0041]-[0042]) with the passivation film 3 which has the film thickness which can tunnel a carrier, (Refer to paragraph [0031] and [0043]) with the n type amorphous semiconductor layer 4 which is placed at the surface of the aforementioned passivation film 3, it is placed at the surface of the aforementioned n type amorphous semiconductor layer 4, and the protective film 8 which has the passivation nature to the aforementioned n type amorphous semiconductor layer 4, and the aforementioned optoelectric transducer 10 including (paragraph [0038] and refer to [0078]) are described. The textured structure is pyramid form and truncated four-sided pyramidal rugged structure and an actual texture is shown in Fig. 2 about the aforementioned texture structure at paragraph [0045]-[0047] of Sakai, which shows multiple unevenness with sizes or various form is formed. Sakai further discloses that in paragraph [0028] that the size of a texture is less than 15 micrometers.

However, Sakai does not clearly show among the overlapping unevenness about the distance of the top face of an outermost protruding part, and the top face of the protruding part which adjoins it.

Correspondence/Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GOLAM MOWLA whose telephone number is (571)270-5268. The examiner can normally be reached on M-Th, 7am - 4pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allison Bourke can be reached on 303-297-4684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GOLAM MOWLA/
Primary Examiner, Art Unit 1721