



R 1975-2

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DEPUTY COMMISSIONER OF PATENTS AND TRADEMARKS

In the Matter of:	)	Decision Granting
	)	
	)	Petition Under
	)	
	)	37 C.F.R. § 10.2(c)
	)	

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BACKGROUND

By a letter dated December 13, 1985, petitioner was informed that he had failed the afternoon section of the October 8, 1985, examination for registration to practice before the Patent and Trademark Office. Petitioner was advised that his score for that section was 50 points, whereas the passing grade for that section is 70 points. After requesting and being granted a regrading of that part of the examination pursuant to a January 20, 1986, request for reconsideration, petitioner was informed in a March 11, 1986, decision by the Director of the Office of Enrollment & Discipline (O.E.D.) that seven points had been added to his afternoon grade, bringing it up to 57 points, which is still not a passing grade.

On April 3, 1986, petitioner, pursuant to 37 C.F.R. § 10.2(c), filed a petition, the subject of this decision, in which he requested review of the regrading of his answers for the afternoon section.

Decision on petition  
under 37 C.F.R. § 10.2(c)

REVIEW OF THE REGRADING

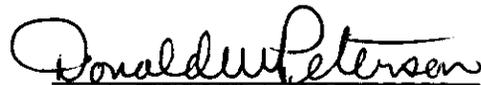
Petitioner's answers for the afternoon section have been reviewed. In light of his arguments in the petition and the March 11, 1986, decision of the Director of O.E.D., the following adjustments have been made in the scoring of the answers to Questions 1 and 4. With respect to Question 1, the number of points deducted has been reduced from 18 to 5 points, and for Question 4 from 17 to 14 points. Since 8 points were deducted for Question 2 and no points were deducted for Question 3, the total number of points deducted is 27, giving petitioner a passing score of 73 for the afternoon section.

DECISION

The petition is granted. Consequently, petitioner's application for registration is being returned to O.E.D. for processing in accordance with this decision.

MAY 15 1986

Date

  
DONALD W. PETERSON  
Deputy Commissioner of  
Patents and Trademarks

cc: