

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGER W. BUDNIK,
JAMES M. PACER, GURU B. RAJ,
RALPH A. SHOEMAKER and
MICHAEL G. SWALES

Appeal No. 2000-0690
Application 09/060,577¹

ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge, HARKCOM,
Vice Chief Administrative Patent Judge, and WILLIAM F. SMITH,
Administrative Patent Judge.

PER CURIAM.

On November 3, 1999, an Examiner's Answer (Paper No. 10)

¹Attorney Docket No. D/98238.

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was entered which included a Notification of Non-Compliance with the Requirements of 37 CFR § 1.192(c). The Examiner's Answer provided appellants a period of one month or 30 days from his answer or two months from the date of the notice of appeal under 37 CFR § 1.191 and informed appellants that failure to respond to the notification would result in dismissal of the appeal of the claims so rejected. There has been no filing or receipt of a response by appellants. In a conversation on February 27, 2002 with Susan V. Thompson, Paralegal Specialist for the Board of Patent Appeals and Interferences, Kevin R. Kepner, Registration No. 32,145, indicated that no response to the Examiner's Answer was filed.

Thus, the Notification of Non-Compliance with the requirements of 37 CFR § 1.192(c) directed to all claims under appeal (claims 1-3, 5-9) remains unanswered.

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Accordingly, pursuant to 37 CFR § 1.193(b), it is
ORDERED that the Appeal is dismissed for failure to
respond to the Notification of Non-Compliance.

DISMISSED

BRUCE H. STONER, JR., Chief)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
GARY V. HARKCOM, Vice Chief)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
WILLIAM F. SMITH)	
Administrative Patent Judge)	

BHS:svt

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