

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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE DIRECTOR OF THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Ex parte JORAM AGAR

Appeal No. 2001-0108
Reexamination Control No. 90/004,960

DECISION ON PETITION

This is in response to the petition filed December 14, 2000, requesting that a formal oral hearing be scheduled in the above identified application. The petition is Dismissed.

Background

A Request for Reexamination was filed on April 9, 1998. On August 24, 1998, after two rejections, appellants filed a Notice of Appeal (Paper No.11).

On October 25, 1999, appellant filed an Appeal Brief (Paper No. 13). On February 17, 2000, the examiner responded, mailing a Notice of Defective Brief (Paper No. 14). On March 6, 2000, appellant responded by filing a second Appeal Brief (Paper No. 15).

On April 25, 2000, the examiner responded by mailing an Examiner's Answer to Appellant (Paper No. 16). On June 28, 2000 appellant responded by filing a Reply Brief (Paper No. 17). On August 7, 2000, the examiner responded, by entering the Reply Brief and forwarding the Reexamination proceeding to the Board of Patent Appeals and Interferences.

On July 29, 2000, appellant filed a Request for Oral Hearing (Paper No. 21). On October 19, 2000, Mr. Craig R. Feinberg, a Program and Resource Administrator for the Board of Patent Appeals and Interferences responded by mailing an Order Denying Hearing to appellant.

On December 14, 2000 appellant filed a petition under 37 CFR § 1.196 (Paper No. 23), requesting that the reexamination proceeding be remanded to the examiner to review claim 1 in light of issues that were raised in a related reexamination proceeding.

DISCUSSION

The current request for remanding the reexamination proceeding appears to be unwarranted. Appellant is asking the examiner to again review a record in which the examiner has already reviewed, and upon which the examiner has made his determination of the patentability of claim 1. Appellant has not added anything to the instant record that would require the examiner to reconsider his position in regards to claim 1.

DECISION

Appellants petition requesting that the Reexamination Proceeding be remanded is **DISMISSED.**

Dale M. Shaw
Program and Resource Administrator
Board of Patent Appeals and Interference

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