

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VOLKER BENZ, WOLFGANG SCHARNKE,
MICHAEL MEIER-KAISER and MICHAEL MULLER

Appeal No. 1997-2813
Application No. 08/329,075

HEARD: November 13, 2000

Before KIMLIN, PAK and OWENS, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

REQUEST FOR REHEARING

In view of appellants' petition under 37 CFR § 1.181, the present application has been referred to the merits panel by the Chief Administrative Patent Judge of the Board of Patent Appeals and Interferences. Appellants' petition will be treated as a Request for Rehearing.

We have reviewed appellants' petition and, based on appellants' reliance on the PTO's publicly-stated position that

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the filing of a CPA moots an appeal before this Board, we will grant appellants' request and vacate our decision of November 13, 2000.

Accordingly, appellants' petition/request is granted.

REHEARING - GRANTED

EDWARD C. KIMLIN)	
Administrative Patent Judge)	
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)	
CHUNG K. PAK)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
)	
TERRY J. OWENS)	
Administrative Patent Judge)	

ECK:clm

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