

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte XIAOSHU QIAN
and
YINONG DING

Appeal No. 2001-1312
Application 08/989,701

ORDER REMANDING TO EXAMINER

An examination of the file reveals that an Appeal Brief was filed on March 1, 2000 (Paper No. 21). The Appeal Brief does not comply with section 1206(9) of the Manual of Patent Examining Procedure (MPEP) (7th Ed., Rev. 1, February 2000), which states:

The copy of the claims required in the brief Appendix by 37 CFR 1.192(c)(9) should be a clean copy and should not include any brackets or underlining as required by 37 CFR 1.121(a)(2).

Appeal No. 2001-1312
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Accordingly, it is

ORDERED that the application is remanded to the Examiner to have appellants submit a new Appendix to the Appeal Brief filed on March 1, 2000 (Paper No. 21), or for the examiner to issue a Supplemental Examiner's Answer which contains a correct copy of claims 2 and 8, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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