

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte KENT W. LEYDE  
and  
DANIEL J. POWERS

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Appeal No. 2001-2340  
Application No. 09/141,707

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ORDER REMANDING TO EXAMINER

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On April 24, 2000, the examiner entered a Final rejection of claims 1-12, 14-25 and 33-38 (Paper No. 8). On page 4, paragraph 6 of the Final rejection, the examiner rejects claims 1-5, 15-25 and 33-38 under 35 U.S.C. § 103(a) as being unpatentable over Cameron et al. (Cameron) in view of Kuo et al. (Kuo). Subsequently, on October 30, 2000, appellants filed an Appeal Brief (Paper No. 14). On January 16, 2001, the examiner entered an Examiner's Answer (Paper No. 15). On page 6, paragraph 5 of the Answer, the examiner rejects claims 2-5, 15-25 and 33-38 under 35 U.S.C. § 103(a) over the same combination of references

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stated above. It is not clear from the record whether the examiner has dropped the rejection of claim 1, or if the omission of claim 1 was due to an inadvertent error.

Accordingly, it is

ORDERED that the application is remanded to the examiner to clarify for the record the proper rejection of claims on appeal, notification to appellants in writing of the proper rejection of claims, 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

By:

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Application No. 09/141,707

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