

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DOUGLAS BRIAN MUELLER

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Appeal No. 2002-0056  
Application No. 08/868,201

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ORDER REMANDING TO EXAMINER

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An examination of the file reveals that an Appeal Brief was filed on February 6, 2001 (Paper No. 16). The examiner acknowledged the Appeal Brief in a communication mailed April 24, 2001 (Paper No. 17). Section 1208 of the Manual of Patent Examining Procedure (MPEP) (7th Ed., Rev. 1) (Feb. 2000) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . .

Appeal No. 2002-0056  
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(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

The communication mailed April 24, 2001 (Paper No. 17) does not comply with the above requirement.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for proper response to the "References of Record" 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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