

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EIICHIRO NAKAZONO and AKITOMO YAMASHITA

Appeal No. 2002-0500
Application No. 09/258,320

ORDER REMANDING TO EXAMINER

Appellants filed an amendment on June 25, 2001 (Paper No. 13). On July 5, 2001, the examiner has indicated in the advisory action (Paper No. 14) that the amendment filed June 25, 2001 will be entered. A review of the file reveals that the amendment was not physically entered. Appropriate correction is required.

Based on the entry of this amendment, it is noted that the brief filed August 2, 2001 (Paper No. 16) is defective, for it no longer contains an accurate appendix of claim 20, pursuant to 37 CFR § 1.192(c) (9) (1997).

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Claim 20, delete lines 2 and 3; line 5, after
"housing;" insert --and--.

Accordingly, it is

ORDERED that this application be remanded to the
examiner for: 1) physical entry of the amendment filed June 25,
2001 (Paper No. 13); 2) notification to appellants to submit a
corrected appendix to replace the existing defective appendix, or
3) for the examiner to file a supplemental examiner's answer that
notes the defects in the appendix; and 4) 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 this appeal (i.e., abandonment, issue, reopening
prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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