

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARCO E. DeVECCHIS and DANIEL M. EGGERT

Appeal No. 2002-1035
Application No. 09/333,166

ORDER REMANDING TO EXAMINER

Appellants filed a Reply Brief on June 4, 2002 (Paper No. 17) in response to the Examiner's Answer entered March 28, 2002 (Paper No. 16), and has been matched with this application at the Board of Patent Appeals and Interferences. According to § 1208.03 of the Manual of Patent Examining Procedure (7th ed., July 1998):

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02.

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Accordingly, it is

ORDERED that the application is remanded to the examiner for proper response to Reply Brief, or to reopen prosecution, 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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