

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board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. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN OGILVIE

Appeal No. 2002-1623
Application 09/619,933

ORDER REMANDING TO EXAMINER

On July 12, 2002, appellant filed a paper entitled "Tenth Information Disclosure Statement" (IDS) (Paper No. 25). This is no indication in the record that the examiner has considered the IDS according to the criteria set forth in 37 CFR §§ 1.97 and 1.98 (1994). A communication notifying applicant of the Primary Examiner's decision is required. See Manual of Patent Examining Procedure (MPEP) § 609(c)(8th Ed., Aug. 2001).

Accordingly, it is

ORDERED that the application is remanded to the examiner for appropriate consideration of the IDS, notification to applicant, and for such further action as may be appropriate.

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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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