

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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte NOBUSUKE TOUKURA

**Appeal No. 2002-1668
Application 09/531,666**

ORDER REMANDING TO EXAMINER

A Reply Brief (Paper No. 20) was entered on April 26, 2002 in response to an Examiner's Answer entered on February 27, 2002 (Paper No. 18), along with a Request for Oral Hearing (Paper No. 19) .

In accordance with the revision effective December 1, 1997, Title 37, Code of Federal Regulations, § 1.193 states:

(b)(1) The primary examiner must acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

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In view of this revision, the examiner must acknowledge receipt and entry of the Reply Brief. Otherwise, if the examiner chooses to respond to the arguments presented in the Reply Brief, the examiner needs to reopen prosecution in order to respond to the Reply Brief (Paper No. 20).

Accordingly, it is

ORDERED that the application be remanded to the examiner for consideration of applicant's Reply Brief, 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 appeal (i.e., abandonment, issue, reopening prosecution).

**BOARD OF PATENT APPEALS
AND INTERFERENCES**

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