

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOMOYUKI TERADA

Appeal No. 1998-2740
Application 08/438,492

ORDER REMANDING TO EXAMINER

A Reply Brief (Paper No. 17) was entered July 9, 1998, in response to an Examiner's Answer (Paper No. 16) entered May 12, 1998.

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

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

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. 17).

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Accordingly, it is

ORDERED that the application is remanded to the examiner for consideration and proper response to Paper No. 18, 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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