

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/940,265	Applicant(s) Burnside, et. al.	
	Examiner Zarek, Paul E.	Art Unit 1628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on December 18, 2012 is defective for failure to comply with one or more provisions of 37 CFR 41.37(c).

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. (a) The brief does not contain a concise explanation of the subject matter defined in each of the rejected independent claims, referring to the specification in the Record by page and line number or by paragraph number and to the drawings, if any, by reference characters; and/or (b) the brief fails to identify, for each rejected independent claim and for each dependent claim argued separately that contains a means plus function or step plus function recitation under 35 U.S.C. 112, sixth paragraph, the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification in the Record by page and line number or paragraph number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(iii)).
3. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(v)).
4. Other (including any explanation in support of the above items):

Section V Summary of Claimed Subject Matter does not refer to the Specification as originally filed with respect to independent claims 1 and 37, i.e. refers to paragraph numbers but the Specification as originally filed does not include paragraph numbers. The Summary must identify and map all independent claims separately on appeal to the Specification by page and line number or paragraph number (if used in the original specification) and drawings if any by reference characters

Another appeal brief is not required; just the corrected section can be submitted.

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