

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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***Ex parte*** HIDEKAZU TANAKA

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Appeal No. 95-1638  
Application No. 08/023,138<sup>1</sup>

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HEARD: March 5, 1998

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Before KRASS, MARTIN, and FLEMING, ***Administrative Patent Judges***.

FLEMING, ***Administrative Patent Judge***.

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<sup>1</sup> Application for patent filed February 24, 1993. According to the appellant, this application is a continuation of Application No. 07/715,780, filed June 14, 1991, now abandoned.

**REQUEST FOR RECONSIDERATION**

Appellant requests that we reconsider and modify our decision dated March 17, 1998 to indicate that the rejection of claim 11 is reversed.

Appellant now presents new arguments that the references of record, whether considered alone or in combination, fail to either teach or suggest the invention as claimed by Appellant. However, these new arguments were not presented in the Appellant's brief nor has Appellant addressed why these arguments were not presented earlier in the brief.

37 CFR § 1.192 (a) as amended at 58 Fed. Reg. 53196, October 10, 1997, which was controlling at the time of Appellant's filing of the reconsideration, states as follows:

Any arguments or authorities not included in the brief will be refused consideration by the Board of Patent Appeals and Interferences, unless good cause is shown.

Appellant has not shown good cause as to why these arguments were not presented earlier in the brief. Therefore, we will refuse to consider these arguments in the request for reconsideration.

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In view of the foregoing, Appellant's request for reconsideration is denied as to making any change in our decision.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

***DENIED***

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
JOHN C. MARTIN	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	

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# ***Shereece***

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Application No. 08/023,138

APJ FLEMING

APJ MARTIN

APJ KRASS

DENIED

Prepared: September 15, 2000