

**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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 38

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HIROKIMI IWATA and YOSHIKAZU ISHIMATSU

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Appeal No. 95-5129  
Application No. 08/177,347<sup>1</sup>

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Before McCANDLISH, Senior Administrative Patent Judge, ABRAMS and BARRETT, Administrative Patent Judges.

McCANDLISH, Senior Administrative Patent Judge.

**ON REQUEST FOR REHEARING**

In light of appellants' request filed August 14, 1998, we hereby modify our decision dated July 14, 1998 by recommending the following amendment to dependent claim 10 under 37 CFR § 1.196(c) to overcome the standing rejection under 35 U.S.C. § 112, second paragraph.

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<sup>1</sup> Application for patent filed January 4, 1994. According to appellants, this application is a continuation of Application No. 07/584,178 filed September 18, 1990, now abandoned.

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The recitation of "said third member" in line 2 of claim 10 should be changed to - said engaging member - to provide proper antecedent basis for this element. If the recommended amendment is adopted, claim 10 would be allowable on the present record.

Should appellants elect to adopt the foregoing recommendation, the time for filing an amendment for that purpose is hereby set to expire one month from the date of this response to appellants' request.

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

**MODIFIED**  
**37 CFR § 1.196(c)**

HARRISON E. McCANDLISH	)	
Senior Administrative Patent Judge	)	
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	)	BOARD OF PATENT
NEAL E. ABRAMS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	

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LEE E. BARRETT  
Administrative Patent Judge

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Ronald P. Kananen  
Rader, Fishman & Grauer  
1233 20th Street, NW  
Suite 501  
Washington, DC 20036