

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEONARD V. BARLEY, LINDA M. BARLEY,
J. ROYCE RENFROW and PATRICK J. TIGHE

Appeal No. 1997-3901
Application No. 08/231,638

ORDER REMANDING TO EXAMINER

Applicants filed a Reply Brief on May 5, 1997 (Paper No. 18). According to the Patent Application Location and Monitoring (PALM) System, the examiner responded to the Reply Brief in a communication dated June 11, 1997 (Paper No. 20). However, there is no copy of this communication in the file, and the file itself indicates that Paper No. 20 was another Reply Brief. Appropriate correction of PALM or the file wrapper is required.

Furthermore, appellants filed an Information Disclosure

Appeal No. 1997-3901
Application No. 08/231,638

Statement (IDS) on April 11, 2000 (Paper No. 22) which has been matched with this application at the Board of Patent Appeals and Interferences. The IDS needs to be considered by the primary examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellant of the primary examiner's decision is required.

Accordingly, it is

ORDERED that the application is remanded to the examiner for resolution of the following issues:

(1) for the examiner to obtain a copy of the response to the Reply Brief filed June 11, 1997 (Paper No. 20),

(3) for consideration of the IDS filed April 11, 2000 (Paper No. 22),

(4) notification to appellants in writing of said consideration, and

(5) 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 status of the appeal (i.e., abandonment, issue, reopening prosecution).

Appeal No. 1997-3901
Application No. 08/231,638

BOARD OF PATENT APPEALS
AND INTERFERENCES

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