

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GERAULD J. JULIEN

Appeal No. 2002-0018
Application 09/231,897

ORDER REMANDING TO EXAMINER

The examiner mailed his Answer (Paper No. 12) on April 24, 2001. On page 3 of his Answer, at Section (10) Grounds of Rejection, the examiner inappropriately refers back to two previous office actions Paper Nos. 5 (Final Rejection, mailed March 1, 2000) and 7 (Final Rejection, mailed July 21, 2000) for an exposition of the rejections on appeal. As clearly stated in the Manual of Patent Examining Procedure (MPEP) § 1208 (7th Ed., Rev. 1, Feb. 2000) at page 1200-14, an examiner may incorporate in the answer only those statements of the grounds of rejection

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which appear in a single prior office action. Compliance with MPEP § 1208 concerning the Grounds of Rejection in the Examiner's Answer is required.

Accordingly, it is

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

- compliance with MPEP § 1208 with the examiner's answer (Paper No. 12) concerning the grounds of rejection; 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 status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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