

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SIMON J. ROTHENBERG  
and  
HSU CHI YEH

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Appeal No. 2002-0747  
Application 09/006,982

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ORDER REMANDING TO EXAMINER

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Appellants filed a Request for Reconsideration on October 30, 2000 (Paper No. 14) which included an amendment to claims 1 and 16. However, there is no indication in the record regarding whether or not the examiner has considered the Amendment. Further, the amendment has not been physically entered.

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In addition, an amendment after final was filed by appellants on July 13, 2000 (Paper No. 12). Page 2 of the Office communication mailed July 27, 2000 (Paper No. 13) states that "[t]he amendment of 13 Jul 00 has been entered." A review of the record indicates that the amendment has not been physically entered.

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

1. for clarification regarding the entry status of the amendment filed October 30, 2000 (Paper No. 14), for proper entry of the amendment (if appropriate), and for notification to appellants in writing of the action taken (If the amendment is not entered, appellants will need to submit a new Appendix to the Appeal Brief which contains a correct copy of the claims or the examiner will need to submit a supplemental Examiner's Answer which contains a correct copy of the claims.);

2. for entry of the amendment filed July 13, 2000 (Paper No. 12) and written notification to appellants of the action taken; and

3. for such further action as may be appropriate.

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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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