

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STUART R. KERR III

Appeal No. 1999-2410
Application No. 08/664,462

ORDER REMANDING TO EXAMINER

Appellant filed an Information Disclosure Statement (IDS) on June 14, 1996 (Paper No. 3). It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellant of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Moreover, on April 25, 1997, appellant filed a Petition Under 37 C.F.R. 1.181 (Paper No. 7). On May 21, 1997, the examiner entered a Decision on Petition Under 37 C.F.R. 1.181 (Paper No. 8). A review of the file reveals that there is no signed copy of the Group Director's Decision on Petition (Paper No. 8).

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Accordingly, it is

ORDERED that the application is remanded to the
examiner for

(1) consideration of the IDS filed June 14, 1996 (Paper
No. 3),

(2) notification to appellant in writing of consideration of
IDS,

(3) to provide a signed copy of the Decision on Petition
Under 37 C.F.R. 1.181 mailed May 21, 1997 (Paper No. 8),

(4) 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

By: _____
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