

## Appendix II List of Decisions Cited

A, Ex parte, 17 USPQ2d 1716 (Bd. Pat. App. & Inter. 1990) . . . . .	716.02, 2131.02	Albertson, In re, 332 F.2d 379, 141 USPQ 730 (CCPA 1964) . . . . .	2116.01
Abacab Int'l Computers Ltd., In re, 21 USPQ2d 1078 (Comm'r Pat. 1987) . . .	323.01(b)	Albrecht, In re, 514 F.2d 1389, 185 USPQ 585 (CCPA 1975) . . . . .	2144.09, 2145
Abbott Laboratories v. Geneva Pharma- ceuticals, Inc., 182 F.3d 1315, 51 USPQ2d 1307 (Fed. Cir. 1999) . .	2112, 2133.03(c)	Alcon Laboratories Inc., In re, 13 USPQ2d 1115 (Comm'r Pat. & Tm. 1989) . . . . .	2751, 2755.01
Abbott Laboratories v. Young, 920 F.2d 984, 17 USPQ2d 1027 (D.C. Cir. 1990) . . . . .	2751	Allen, Ex parte, 2 USPQ2d 1425 (Bd. Pat. App. & Inter. 1987) . . . . .	2105
Abele, In re, 684 F.2d 902, 214 USPQ 682 (CCPA 1982) . . . . .	2106, 2106.01, 2184	Allen Eng'g Corp. v. Bartell Indus., Inc., 299 F.3d 1336, 63 USPQ2d 1769 (Fed. Cir. 2002) . . . . .	2133.03(e), 2133.03(e)(4)
Ackermann, In re, 444 F.2d 1172, 170 USPQ 340 (CCPA 1971) . . . . .	706.03(w)	Allen & Hansbury Ltd., 227 USPQ 955 (Comm'r Pat. & Tm. 1985) . . . . .	2756
ACTV, Inc. v. The Walt Disney Co., 346 F.3d 1082, 68 USPQ2d 1516 (Fed. Cir. 2003) . . . . .	2111.01	Aller, In re, 220 F.2d 454, 105 USPQ 233 (CCPA 1955) . . . . .	2144.05
Adler v. Kluver, 159 USPQ 511 (Bd. Pat. Inter. 1968) . . . . .	715.05	Alpert v. Slatin, 305 F.2d 891, 134 USPQ 296 (CCPA 1962) . . . . .	2138.04
Aelony v. Arni, 547 F.2d 566, 192 USPQ 486 (CCPA 1977) . . . . .	2301.03	Al-Site Corp. v. VSI International Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) . . . . .	2181, 2183, 2184
AFG Industries, Inc. v. Cardinal IG Company, Inc., 239 F.3d 1239, 57 USPQ2d 1776 (Fed. Cir. 2001) . . . . .	2111.03	Altiris Inc. v. Symantec Corp., 318 F.3d 1363, 65 USPQ2d 1865 (Fed. Cir. 2003) . . .	2111.01
A.F. Stoddard & Co. v. Dann, 564 F.2d 556, 195 USPQ 97 (D.C. Cir. 1977) . . . . .	1412.04	Alton, In re, 76 F.3d 1168, 37 USPQ2d 1578 (Fed. Cir. 1996) . . . . .	2145, 2163, 2163.06, 2164.05
Affidavit Filed After Final Registration, In re, 152 USPQ 292, 1966 C.D. 53 (Comm'r Pat. 1966) . . . . .	2265, 2665	Altoona Publix Theatres v. American Tri-Ergon Corp., 294 U.S. 477, 24 USPQ 308 (1935) . . . . .	1490
Ahlert, In re, 424 F.2d 1088, 165 USPQ 418 (CCPA 1970) . . . . .	2144.03	Alza Corp. v. Mylan Laboratories, Inc., 464 F.3d 1286, 80 USPQ2d 1001 (Fed. Cir. 2006) . . . . .	2143.01
Ahrens v. Grey, 1931 C.D. 9, 402 O.G. 261 (Bd. App. 1929) . . . . .	201.13	Amazon.com v. Barnesandnoble.com, 73 F. Supp. 2d 1228, 53 USPQ2d 1115 (W.D. Wash. 1999) . . . . .	2128
Ajinomoto Co. v. Archer-Daniels-Mid- land Co., 228 F.3d 1338, 56 USPQ2d 1332 (Fed. Cir. 2000), cert. denied, 121 S.Ct 1957 (2001) . . . . .	2402	American Academy of Science Tech. Center, In re, 367 F.3d 1359, 70 USPQ2d 1827 (Fed. Cir. 2004) . . . . .	2111, 2111.01
AK Steel Corp. v. Sollac, 344 F.3d 1234, 68 USPQ2d 1280 (Fed. Cir. 2003) . . . . .	2111.03, 2163, 2164.08	American Infra-Red Radiant Co. v. Lambert Indus. Inc., 360 F.2d 977, 149 USPQ 722 (8th Cir. 1966) . . . . .	901.05, 2135.01
Akron Brass Co. v. Elkhart Brass Mfg. Co., 353 F.2d 704, 147 USPQ 301 (7th Cir. 1965) . . . . .	2133.03(e)(1)	American Hoist & Derrick Co. v. Sowa & Sons, Inc., 725 F.2d 1350, 220 USPQ 763 (Fed. Cir. 1984) . . . . .	410
Aktiebolaget Astra v. Lehman, 71 F.3d 1578, 37 USPQ2d 1212 (Fed. Cir. 1995) . . . . .	2757	Amgen, Inc. v. Chugai Pharmaceutical Co., 927 F.2d 1200, 18 USPQ2d 1016 Fed. Cir. 1991) . . . . .	2138, 2138.04, 2143.02, 2163, 2163.02, 2164.08, 2165.04, 2173.05(b), 2411.01
Akzo N.V. v. International Trade Comm'n, 808 F.2d 1471, 1 USPQ2d 1241 (Fed. Cir. 1986) . . . . .	2131.02		
Alappat, In re, 33 F.3d 1526, 31 USPQ2d 1545 (Fed. Cir. 1994) . . . . .	2106, 2106.02		

MANUAL OF PATENT EXAMINING PROCEDURE

Amgen, Inc. v. Hoechst Marion Roussel, Inc., 126 F. Supp. 2d 69, 57 USPQ2d 1449 (D. Mass. 2001) . . . . .	706.04	Application Filed Nov. 16, 1945, In re, 89 USPQ 280, 1951 C.D. 1, 646 O.G. 5 (Comm'r Pat. 1951). . . . .	904.01(a)
Amos, In re, 953 F.2d 613, 21 USPQ2d 1271 (Fed. Cir. 1991) . . . . .	1412.01	Application of Takao, 17 USPQ2d 1155 (Comm'r Pat. 1990). . . . .	711.03(c)
Amp, In re, 212 USPQ 826 (Comm'r Pat. 1981) . . . . .	2225, 2625	Application Papers Filed Jan. 20, 1956, In re, 706 O.G. 4 (Comm'r Pat. 1956). . . . .	714.07
Amphenol Corp. v. Gen'l Time Corp., 397 F.2d 431, 158 USPQ 113 (7th Cir. 1968). . . . .	2133.03(e)(1)	Application Papers Filed Sept. 10, 1954, In re, 108 USPQ 340 (Comm'r Pat. 1955). . . . .	409.03(c)
Anchor Hocking Corp. v. Eyelet Specialty Co., 377 F. Supp 98, 183 USPQ 87 (D. Del. 1974) . . . . .	1504.06	Applied Materials Inc. v. Gemini Research Corp., 835 F.2d 279, 15 USPQ2d 1816 (Fed. Cir. 1988) . . . . .	2136.05, 2137.01
Anderson, Ex parte, 21 USPQ2d 1241 (Bd. Pat. App. & Inter. 1991) . . . . .	2173.05(b)	Argoudelis, Ex parte, 157 USPQ 437 (Bd. App. 1967). . . . .	1214.03
Anderson, In re, 471 F.2d 1237, 176 USPQ 331 (CCPA 1973) . . . . .	2163.07, 2181	Argoudelis, In re, 434 F.2d 1390, 168 USPQ 99 (CCPA 1970) . . . . .	2164.06, 2164.06(a), 2402
Anderson's-Black Rock Inc. v. Pavement Salvage Co., 396 U.S. 57, 163 USPQ 673 (1969). . . . .	716.01(a), 2141, 2143.01	Armbruster, In re, 512 F. 2d 676, 185 USPQ 152 (CCPA 1975) . . . . .	608.01(b), 2161, 2181
Anderson v. Crowther, 152 USPQ 504 (Bd. Pat. Inter. 1965). . . . .	2138.06	Armour & Co. v. Swift & Co., 466 F.2d 767, 175 USPQ 70 (7th Cir. 1972) . . . . .	2001.06(b)
Andresen, Ex parte, 212 USPQ 100 (Bd. App. 1981) . . . . .	2004, 2137, 2141.01	Armstrong, In re, 280 F.2d 132, 126 USPQ 281 (CCPA 1960). . . . .	716.02(e)
Andrew Corp. v. Gabriel Electronics, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988). . . . .	2173.05(b)	Arnott, In re, 19 USPQ2d 1049 (Comm'r Pat. 1991). . . . .	1481
Angstadt, In re, 537 F.2d 498, 190 USPQ 214 (CCPA 1976) . . . . .	2164.01, 2164.06, 2164.08(b)	Arrhythmia Research Tech. v. Corazonix Corp., 958 F.2d 1053, 22 USPQ2d 1033 (Fed. Cir. 1992) . . . . .	2106
Anthony, Ex parte, 230 USPQ 467 (Bd. App. 1982), aff'd 770 F.2d 182 (Fed. Cir. 1985) (table) . . . . .	1490	Arzberger, In re, 112 F.2d 834, 46 USPQ 32 (CCPA 1940) . . . . .	1601
Anthony, In re, 414 F. 2d 1383, 162 USPQ 594 (CCPA 1969) . . . . .	2107.01, 2107.03	Asahi/America Inc., In re, 68 F.3d 442, 37 USPQ2d 1204 (Fed. Cir. 1995) . . . . .	715.07
Antonie, In re, 559 F.2d 618, 195 USPQ 6 (CCPA 1977). . . . .	2141.02, 2144.05	Asano, Ex parte, 201 USPQ 315 (Bd. Pat. App. & Inter. 1978) . . . . .	1503.02
A&P Tea Co. v. Supermarket Corp., 340 U.S. 147 (1950) . . . . .	716.01(a)	Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985) . . . . .	716.01(b), 716.01(c), 2145
Appeal, Decided 9/3/68, Ex parte, 866 O.G. 16 (Bd. App. 1968) . . . . .	1504.02	Aslanian, In re, 590 F.2d 911, 200 USPQ 500 (CCPA 1979) . . . . .	2125
Appeal No. 194-38, 152 USPQ 70, 1955 C.D. 31 (Bd. App. 1965). . . . .	901.05(b)	Atlantic Thermoplastics Co. v. Faytex Corp., 970 F.2d 834, 23 USPQ2d 1481 (Fed. Cir. 1992) . . . . .	2133.03(b), 2133.03(c)
Appeal No 239-48, 151 USPQ 711, 1966 C.D. 22, 833 O.G. 10 (Bd. App. 1965) . . . . .	1504.02		
Appeal No. 242-47, 196 USPQ 828 (Bd. App. 1976) . . . . .	901.05(b), 2135.01		
Appeal No. 315-40, Ex Parte, 152 USPQ 71 (Bd. App. 1965) . . . . .	1504.05		

LIST OF DECISIONS CITED

Atlas Powder Co. v. E.I. duPont de Nemours & Co., 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984) . . . . .	2111.03, 2164.01, 2164.08(b)	Bancorp Services, L.L.C. v. Hartford Life Ins. Co., 359 F.3d 1367, 69 USPQ2d 1996 (Fed. Cir. 2004) . . . . .	2173.02
Atlas Powder Co. v. IRECO, Inc., 190 F.3d 1342, 51 USPQ2d 1943 (Fed. Cir. 1999) . . . . .	2112, 2131.01, 2131.05	Bandel, In re, 348 F.2d 563, 146 USPQ 389 (CCPA 1965) . . . . .	715
Atmel Corp. v. Information Storage Devices Inc., 198 F.3d 1374, 53 USPQ2d 1225 (Fed. Cir. 1999) . . . . .	2181	Barber, Ex parte, 187 USPQ 244 (Bd. App. 1974) . . . . .	2173.05(j)
Atofina v. Great Lakes Chemical Corp., 441 F.3d 991 USPQ2d 1417 (Fed. Cir. 2006) . . . . .	2131.03	Barber, In re, 81 F.2d 231, 28 USPQ 187 (CCPA 1936) . . . . .	804
AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999) . . . . .	2106	Barker, In re, 559 F.2d 588, 194 USPQ 470 (CCPA 1977) . . . . .	2161, 2163
Attig, Ex parte, 7 USPQ2d 1092 (Bd. Pat. App. & Inter. 1986) . . . . .	2173.05(b)	Barmag Barmer Maschinenfabrik AG v. Murata Mach., Ltd., 731 F.2d 831, 221 USPQ 561 (Fed. Cir. 1984) . . . . .	2133.03(b)
Autogiro Co. of America v. United States, 384 F.2d 391, 155 USPQ 697 (Ct. Cl. 1967) . . . . .	2163	Barr, In re, 444 F.2d 588, 170 USPQ 330 (CCPA 1971) . . . . .	2173.05(a), 2173.05(g), 2173.05(i)
Automatic Weighing Mach. Co. v. Pneumatic Scale Corp., 166 F.2d 288, 1909 C.D. 498, 139 O.G. 991 (1st Cir. 1909) . . . . .	715.07	Bartfeld, Ex parte, 16 USPQ2d 1714 (Bd. Pat. App. & Inter. 1990) . . . . .	2136.01
Avia Group International, Inc. v. L.A. Gear California, Inc., 853 F.2d 1557, 7 USPQ2d 1548 (Fed. Cir. 1988) . . . . .	1504.01(c), 1504.03	Bartfeld, In re, 925 F.2d 1450, 17 USPQ2d 1885 (Fed. Cir. 1991) . . . . .	706.02(f)(2), 706.02(i), 804, 804.03, 2136.01, 2136.05, 2141.01
Ayers, Ex parte, 108 USPQ 444 (Bd. App. 1955) . . . . .	608.04(a)	Bartlett, In re, 300 F.2d 942, 133 USPQ 204 (CCPA 1962) . . . . .	1504.02
Azar v. Burns, 188 USPQ 601 (Bd. Pat. Inter. 1975) . . . . .	2138.05	Basmadjian v. Landry, 54 USPQ2d 1617, (Bd. Pat. App. & Inter. 1997) . . . . .	2305
Badger, Ex parte, 1901 C.D. 195, 97 O.G. 1596 (Comm'r Pat. 1901) . . . . .	608.02(f)	Bass, In re, 314 F.3d 575, 65 USPQ2d 1156 (Fed. Cir. 2002) . . . . .	2258.01
Baird, In re, 16 F.3d 380, 29 USPQ2d 1550 (Fed. Cir. 1994) . . . . .	2144.05, 2144.08, 2163	Bass, In re, 474 F.2d 1276, 177 USPQ 178 (CCPA 1973) . . . . .	715, 2004, 2138, 2138.03
Baker Hughes, Inc. v. Kirk, 921 F. Supp. 801, 38 USPQ2d 1885 (D.D.C. 1995) . . . . .	1410.01, 1412.04	Bauman, In re, 683 F.2d 405, 214 USPQ 585 (CCPA 1982) . . . . .	1451
Ball Corp., In re, 925 F.2d 1480, 18 USPQ2d 1491 (Fed. Cir. 1991) . . . . .	2145	B.E. Myers & Co. v. United States, 56 USPQ2d 1110 (US CtFedCls 2000) . . . . .	1412.02
Ball Corp. v. United States, 729 F.2d 1429, 221 USPQ 289 (Fed. Cir. 1984) . . . . .	1412.02, 1490	Bausch & Lomb v. Barnes-Hind/Hydrocurve, Inc., 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986) . . . . .	2141.02
Balzarini, Ex parte, 21 USPQ2d 1892 (Bd. Pat. App. & Inter. 1991) . . . . .	2107.03	Baxter Diagnostics v. AVL Scientific Corp., 798 F. Supp. 612, 25 USPQ2d 1428 (C.D., Cal. 1992) . . . . .	2751
		Baxter, In re, 656 F.2d 679, 210 USPQ 795 (CCPA 1987) . . . . .	2111.03
		Baxter Travenol Labs., In re, 952 F.2d 388, 21 USPQ2d 1281 (Fed. Cir. 1991) . . . . .	2131.01, 2145
		Bayer, In re, 568 F.2d 1357, 196 USPQ 670 (CCPA 1978) . . . . .	2128.01

MANUAL OF PATENT EXAMINING PROCEDURE

B. Braun Medical, Inc. v. Abbott Labs, 124 F.3d 1419, 43 USPQ2d 1896 (Fed. Cir. 1997) . . . . .	2163, 2181, 2182	Berry Sterling Corp. v. Pescor Plastics Inc., 122 F.3d 1452, 43 USPQ2d 1953 (Fed. Cir. 1997) . . . . .	1504.01(c)
Beattie, In re, 974 F.2d 1309, 24 USPQ2d 1040 (Fed. Cir. 1992) . . . . .	716.01(c), 2145	Bertsch, In re, 132 F.2d 1014, 56 USPQ 379 (CCPA 1942) . . . . .	2111.03
Beck, In re, 155 F.2d 398, 69 USPQ 520 (CCPA 1946) . . . . .	715.01(b)	Best, In re, 562 F.2d 1252, 195 USPQ 430 (CCPA 1977) . . . . .	2112, 2112.01, 2112.02
Beckman Instruments v. LKB Produkter AB, 892 F.2d 1547, 13 USPQ2d 1301 (Fed. Cir. 1989) . . . . .	2121.01	Bey v. Kollonitsch, 806 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) . . . . .	2138.06
Beech Aircraft Corp. v. EDO Corp., 990 F.2d 1237, 26 USPQ2d 1572 (Fed. Cir. 1993) . . . . .	301	BIC Leisure Prods., Inc., v. Windsurfing Int'l, Inc., 1 F.3d 1214, 27 USPQ2d 1671 (Fed. Cir. 1993) . . . . .	1460
Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 34 USPQ2d 1816 (Fed. Cir. 1995) . . . . .	2111.02, 2163	Biesecker, Ex parte, 144 USPQ 129 (Bd. App. 1964) . . . . .	715.02, 715.03
Bell, In re, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993) . . . . .	2144.08, 2144.09, 2163	Bigham v. Godtfredsen, 857 F.2d 1415, 8 USPQ2d 1266 (Fed. Cir. 1988) . . . . .	2138.01, 2138.05
Benger Labs. Ltd. v. R.K. Laros Co., 209 F. Supp. 639, 135 USPQ 11 (E.D. Pa. 1966) . . . . .	2165	Bigio, In re, 381 F.3d 1320, 72 USPQ2d 1209 (Fed. Cir. 2004) . . . . .	2141.01(a)
Benke, Ex parte, 1904 C.D. 63, 108 O.G. 1588 (Comm'r Pat. 1904) . . . . .	811.02	Billottet, Ex parte, 192 USPQ 413 (Bd. App. 1976) . . . . .	2137
Bennage v. Phillippi, 1876 C.D. 135, 9 O.G. 1159 (Comm'r Pat. 1876) . . . . .	1504.01(d)	Bindra v. Kelly, 206 USPQ 570 (Bd. Pat. Inter. 1979) . . . . .	2138.05
Bennett, In re, 766 F.2d 524, 226 USPQ 413 (Fed. Cir. 1985) . . . . .	706.03(x), 1403, 1412.03	Biomedino, LLC v. Waters Technology Corp., 490 F.3d 946, 952, 83 USPQ2d 1118, 1123 (Fed. Cir. 2007) . . . . .	2181, 2185
Benno, In re, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985) . . . . .	2163, 2163.06	Bird Provision Co. v. Owens Country Sausage, Inc., 568 F.2d 369, 197 USPQ 134 (5th Cir. 1978) . . . . .	2133.03(a)
Benson, In re, 122 USPQ 279, 1959 C.D. 5, 744 O.G. 353 (Comm'r Pat. 1959) . . . . .	608.01, 714.07	Birmingham v. Randall, 171 F.2d 957, 80 USPQ 371 (CCPA 1948) . . . . .	2138.05
Berg, In re, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998) . . . . .	804	Black & Decker, Inc. v. Pittway Corp., 636 F.2d 1193, 231 USPQ 252 (N.D. Ill. 1986) . . . . .	1504.02
Berger, In re, 279 F.3d 975, 61 USPQ2d 1523 (Fed. Cir. 2002) . . . . .	2304.02(c)	Blacklight Power, Inc. v. Rogan, 295 F.3d 1269, 63 USPQ2d 1534 (Fed. Cir. 2002) . . . . .	1134, 1308
Bergstrom, In re, 427 F.2d 1394, 166 USPQ 256 (CCPA 1970) . . . . .	2144.04	Blaisdell, In re, 242 F.2d 779, 113 USPQ 289 (CCPA 1957) . . . . .	2133.03(a), 2133.03(b), 2133.03(e)(3), 2133.03(e)(5)
Berkman, In re, 642 F.2d 427, 209 USPQ 45 (CCPA 1981) . . . . .	1504.04, 1504.20	Blake, In re, 358 F.2d 750, 149 USPQ 217 (CCPA 1966) . . . . .	715.07
Berman v. Housey, 291 F.3d 1345, 63 USPQ2d 1023 (Fed. Cir. 2002) . . . . .	2303	Blanc, Ex parte, 13 USPQ2d 1383 (Bd. Pat. App. & Inter. 1989) . . . . .	716.02(c), 2143.02
Bernhardt, L.L.C. v. Collezione Europa USA, Inc., 386 F.3d 1371, 72 USPQ2d, 1901 (Fed. Cir. 2004) . . . . .	2133.03(a)	Bland, Ex parte, 3 USPQ2d 1103 (Bd. Pat App. & Inter. 1986) . . . . .	2141.01(a)
Bernhart, In re, 417 F.2d 1395, 163 USPQ 611 (CCPA 1969) . . . . .	2173.05(j)		

LIST OF DECISIONS CITED

Blattner, Ex parte, 2 USPQ2d 2047 (Bd. Pat. App. & Inter. 1987) . . . . .	2144.09	Bose Corp. v. JBL, Inc., 274 F.3d 1354, 61 USPQ2d 1216 (Fed. Cir. 2001) . . . . .	2173.05
Blisscraft of Hollywood v. United Plastic Co., 189 F. Supp 333, 127 USPQ 452 (S.D.N.Y. 1960) . . . . .	1504.01(c)	Bosies v. Benedict, 27 F.3d 539, 30 USPQ2d 1862 (Fed. Cir. 1994) . . . . .	2138.04
Blondel, In re, 499 F.2d 1311, 182 USPQ 294 (CCPA 1974) . . . . .	716.02(b)	Bostwick, In re, 102 F.2d 886, 41 USPQ 279 (CCPA 1939) . . . . .	1449.02
Blonder-Tongue Labs., Inc. v. Univ. of Ill., Foundation, 402 U.S. 313, 169 USPQ 513 (1971) . . . . .	2012.01	Bosy, In re, 360 F.2d 972, 149 USPQ 789 (CCPA 1966) . . . . .	2165.01
Blout, In re, 333 F.2d 928, 142 USPQ 173 (CCPA 1964) . . . . .	715	Bourne v. Jones, 114 F. Supp 413, 98 USPQ 206 (S.D. Fla. 1951) . . . . .	2133.03(e)(7)
Blum, In re, 374 F.2d 904, 153 USPQ 177 (CCPA 1967) . . . . .	1503.01, 1503.02, 1503.03	Bowen, In re, 492 F.2d 859, 181 USPQ 48 (CCPA 1974) . . . . .	2164.04
Blumcraft of Pittsburgh v. Ladd, 238 F. Supp. 648, 144 USPQ 562 (D.D.C. 1965) . . . . .	1504.05, 1504.06	Bowers, In re, 359 F.2d 886, 149 USPQ 570 (CCPA 1966) . . . . .	706.02(l)(2), 804
Board of Education ex rel. Board of Trustees of Florida State Univ. v. American Bioscience Inc., 333 F.3d 1330, 67 USPQ2d 1252 (Fed. Cir. 2003) . .	2137.01	Bowser Inc. v. United States, 388 F.2d 346, 156 USPQ 406 (Ct. Cl. 1967) . . . . .	2141
Boeing Co. v. Comm'r Pat., 853 F.2d 878, 7 USPQ2d 1487 (Fed. Cir. 1988) . . . . .	2279	Bowyer, Ex parte, 42 USPQ 526, 1939 C.D. 5, 505 O.G. 759 (Comm'r Pat. 1939) . . . . .	715.07(b)
Boesch, In re, 617 F.2d 272, 205 USPQ 215 (CCPA 1980) . . . . .	716.02(b), 2144.05	Braat, In re, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991) . . . . .	804
Bogese, In re, 303 F.3d 1362, 64 USPQ2d 1448 (Fed. Cir. 2002) . . . . .	2190	Brader v. Schaeffer, 193 USPQ 627 (Bd. Pat. Inter. 1976) . . . . .	2137.01
Bogoslowsky v. Huse, 142 F.2d 75, 61 USPQ 349 (CCPA 1944) . . . . .	2138.03	Braithwaite, In re, 379 F.2d 594, 154 USPQ 29 (CCPA 1967) . . . . .	804, 804.02, 806.04(i)
Bolkcom v. Carborundum Co., 523 F.2d 492, 187 USPQ 446 (6th Cir. 1975) . . . . .	2003	Brana, In re, 51 F.3d 1560, 34 USPQ2d 1436 (Fed. Cir. 1995) . . . . .	2106, 2107.01, 2107.03, 2164.01(c), 2107.02, 2164.02, 2164.04, 2164.07
Bond, In re, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) . . . . .	2131, 2183, 2184	Brandstadter, In re, 484 F.2d 1395, 179 USPQ 286 (CCPA 1973) . . . . .	716.01(c), 716.09, 2164.05, 2164.06(c)
Bondiou, Ex parte, 132 USPQ 356 (Bd. App. 1961) . . . . .	2163.07	Brasseler, U.S.A. I, L.P. v. Stryker Sales Corp., 267 F.3d 1370, 60 USPQ2d 1482 (Fed. Cir. 2001) . . . . .	2001.06
Bonito Boats, Inc. v. Thunder Craft Boats, Inc., 489 U.S. 141, 9 USPQ2d 1847 (1989) . . . . .	2133.02	Brenner v. Ebbert, 398 F.2d 762, 157 USPQ 609 (D.C. Cir. 1968) . . . . .	711.03(c)
Bonnie-B Co., Ex parte, 1923 C.D. 42, 313 O.G. 453 (Comm'r Pat. 1922) . . . . .	103, 104	Brenner v. Manson, 383 U.S. 519, 148 USPQ 689 (1966) . . . . .	2106, 2107.01, 2107.02
Borden, In re, 90 F.3d 1570, 39 USPQ2d 1524 (Fed. Cir. 1996) . . . . .	1504.03	Brenner v. State of Israel, 400 F.2d 789, 158 USPQ 584 (D.C. Cir. 1968) . . . . .	201.14, 201.16, 1402, 1417, 1444
Borkowski, In re, 422 F.2d 904, 164 USPQ 642 (CCPA 1970) . . . . .	707.07(l), 2164.02, 2174	Breslow, In re, 616 F.2d 516, 205 USPQ 221 (CCPA 1980) . . . . .	2164.01(b)
Borkowski, In re, 505 F.2d 713, 184 USPQ 29 (CCPA 1974) . . . . .	715.07	Brian, Ex parte, 118 USPQ 242 (Bd. App. 1958) . . . . .	2173.05(t)

MANUAL OF PATENT EXAMINING PROCEDURE

Bridgeford, In re, 357 F.2d 679, 149 USPQ 55 (CCPA 1966) . . . . .	806.05(f)	Burhans, In re, 154 F.2d 690, 69 USPQ 330 (CCPA 1946) . . . . .	2144.04
Bristol-Myers Squibb Co. v. Pharmache- mie BV, 361 F.3d 1343, 70 USPQ2d 1097 (Fed. Cir. 2004) . . . . .	804.01, 819	Burlington Industries Inc. v. Quigg, 822 F.2d 1581, 3 USPQ2d 1436 (Fed. Cir. 1987) . . . . .	716.05
Bristol-Myers Squibb Co. v. Rhone Poulenc Rorer, Inc., 326 F.3d 1226, 66 USPQ2d 1481 (Fed. Cir. 2003). . . . .	2001.04	Burroughs Wellcome Co. v. Barr Labs., Inc., 40 F.3d 1223, 32 USPQ2d 1915 (Fed. Cir. 1994) . . . . .	2138.04, 2163
Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 67 USPQ2d 1132 (Fed. Cir. 2003) . . . . .	2106, 2111.01	Burrowes, Ex parte, 1904 C.D. 155, 110 O.G. 599 (Comm'r Pat. 1904) . . . . .	1214.01, 2682
Brooktree Corp. v. Advanced Micro Devices, Inc., 977 F.2d 1555, 24 USPQ2d 1401 (Fed. Cir. 1992) . . . . .	2107.01	Busse, Ex parte, 1 USPQ2d 1908 (Bd. Pat. App. & Inter. 1986) . . . . .	2107.03
Broos v. Barton, 142 F.2d 690, 61 USPQ 447 (CCPA 1944) . . . . .	2138.06	Butera, In re, 1 F.3d 1252, 28 USPQ2d 1399 (Fed. Cir. 1993) . . . . .	2141.01(a)
Brouwer, In re, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996) . . . . .	706.02(n), 2116.01, 2144.08	Buting, In re, 418 F.2d 540, 163 USPQ 689 (CCPA 1969) . . . . .	2107.03
Brower, In re, 433 F.2d 813, 167 USPQ 684 (CCPA 1970) . . . . .	2172	C, Ex parte, 27 USPQ2d 1492 (Bd. Pat. App. & Inter. 1992) 716.02(b), 2133.03(a)	
Brown, In re, 459 F.2d 531, 173 USPQ 685 (CCPA 1972) . . . . .	2113, 2183	Cable Electric Products, Inc. v. Genmark, Inc., 770 F.2d 1015, 226 USPQ 881 (Fed. Cir. 1985) . . . . .	716.03(b), 716.06, 1504.03
Brown, In re, 477 F.2d 946, 177 USPQ 691 (CCPA 1973) . . . . .	2161.01, 2164.06(c)	Cady, Ex parte, 1916 C.D. 62, 232 O.G. 621 (Comm'r Pat. 1916) . . . . .	1502, 1504.04
Brown v. 3M, 265 F.3d 1349, 60 USPQ2d 1375 (Fed. Cir. 2001) . . . . .	2131	Caldwell, Ex parte, 1906 C.D. 58 (Comm'r Pat. 1906). . . . .	2173.05(b)
Bruckelmyer v. Ground Heaters, Inc., 445 F. 3d 1374, 78 USPQ2d 1684 (Fed. Cir. 2006). . . . .	2127	California Research Corp. v. Ladd, 356 F.2d 813, 148 USPQ 404 (D.C. Cir. 1966) . . . . .	1216.02
Brummer, Ex parte, 12 USPQ2d 1653 (Bd. Pat. App. & Inter. 1989) . . . . .	2173.05(b)	Callicrate vs. Wadsworth Mfg., Inc., 427 F.3d 1361, 77 USPQ2d 1041 (Fed. Cir. 2005) . . . . .	2164.01
Buchner, In re, 929 F.2d 660, 18 USPQ2d 1331 (Fed. Cir. 1991) . . . . .	716.09, 2107.02, 2164.01, 2164.05, 2164.05(a), 2164.08	Capon v. Eshhar, 418 F.3d 1349, 76 USPQ2d 1078 (Fed. Cir. 2005) . . . . .	2163
Budde v. Harley-Davidson, Inc., 250 F.3d 1369, 58 USPQ2d 1801 (Fed. Cir. 2001)	2181, 2182	Card, Ex parte, 1904 C.D. 383 (Comm'r Pat. 1904) . . . . .	2301.03
Budnick, In re, 537 F.2d 535, 190 USPQ 422 (CCPA 1976) . . . . .	2164.05(a), 2164.06(c)	Cardiac Pacemakers, Inc. v. St. Jude Med., Inc., 296 F.3d 1106, 63 USPQ2d 1725 (Fed. Cir. 2002) . . . . .	2181, 2182
Buildex v. Kason Indus., 849 F.2d 1461, 7 USPQ2d 1325 (Fed. Cir. 1988) . . . . .	2133.03(b)	Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986) . . . . .	2128, 2132
Bullier, Ex parte, 1899 C.D. 155, 88 O.G. 1161 (Comm'r Pat. 1899) . . . . .	709.01	Carl Zeiss Stiftung v. Renishaw PLC, 945 F.2d 1173, 20 USPQ2d 1094 (Fed. Cir. 1991). . . . .	2107.01, 2107.02
Bundy, In re, 642 F.2d 430, 209 USPQ 48 (CCPA 1981). . . . .	2107.02, 2164.04, 2164.06(b), 2164.07, 2165.04	Carletti, In re, 328 F.2d 1020, 140 USPQ 653 (CCPA 1964) . . . . .	1504.01(c)
Burckel, In re, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979) . . . . .	716.02(e)	Carlson, In re, 983 F.2d 1032, 25 USPQ2d 1207 (Fed. Cir. 1992) . . . . .	2126

LIST OF DECISIONS CITED

Carman Indus. Inc. v. Wahl, 724 F.2d 932, 220 USPQ 481 (Fed. Cir. 1983) . . . . .	804, 1504.06	Chapman, In re, 357 F.2d 418, 148 USPQ 711 (CCPA 1966) . . . . .	716.02(e)
Carreira, In re, 532 F.2d 1356, 189 USPQ 461 (CCPA 1976) . . . . .	716.10, 2136.05	Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 69 USPQ2d 1857 (Fed. Cir. 2004) . . . . .	2111.01
Carroll, In re, 601 F.2d 1184, 202 USPQ 571 (CCPA 1979) . . . . .	716.01(c)	Chemcast Corp. v. Acro Indus. Corp., 913 F.2d 923, 16 USPQ2d 1033 (Fed. Cir. 1990) . . . . .	608.01(h), 2107.01, 2161.01, 2165.03, 2411.01
Carter, In re, 673 F.2d 1378, 213 USPQ 625 (CCPA 1982) . . . . .	1504.03	Chemithon Corp. v. Procter & Gamble Co., 287 F. Supp 291, 159 USPQ 139 (D. Md. 1968) . . . . .	2133.03(a)
Carter-Wallace, Inc. v. Riverton Labs., Inc., 433 F.2d 1034, 167 USPQ 656 (2d Cir. 1970) . . . . .	2165.01	Chevenard, In re, 139 F.2d 71, 60 USPQ 239 (CCPA 1943) . . . . .	2144.03
Case v. CPC Int'l Inc., 730 F.2d 745, 221 USPQ 196 (Fed. Cir. 1984) . . . . .	2301.03	Chicago Historical Antique Auto. Museum, Inc., In re, 197 USPQ 289 (Comm'r Pat. 1978) . . . . .	513
Casey, In re, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) . . . . .	2115	Chicago Rawhide Mfg. Co., Ex parte, 223 USPQ 351 (Bd. Pat. App. & Inter. 1984) . . . . .	2144.04, 2241, 2258.01, 2642
Catalina Mktg. Int'l v. Coolsavings.com, Inc., 289 F.3d 801, 62 USPQ2d 1781(Fed. Cir. 2002) . . . . .	2111.02	Chicopee Mfg. Corp. v. Columbus Fiber Mills Co., 165 F. Supp. 307, 118 USPQ 53 (M.D. Ga. 1958) . . . . .	2133.03(e)(1)
Catan, Ex parte, 83 USPQ2d 1569 (Bd. Pat. App. & Int. 2007) . . . . .	2143.01	Chiddix, In re, 209 USPQ 78 (Comm'r Pat. 1980) . . . . .	1205.02
Cataphote Corp. v. Desoto Chem. Coatings, Inc., 356 F.2d 24, 148 USPQ 229 (9th Cir.) . . . . .	2133.03(e)(1)	Chilowski, In re, 229 F.2d 457, 108 USPQ 321 (CCPA 1956) . . . . .	2107.01, 2107.02, 2107.03, 2164.02, 2164.07
Caterpillar Inc. v. Deere & Co., 224 F.3d 1374, 56 USPQ2d 1305 (Fed. Cir. 2000) . . . . .	2183, 2184	Chilowsky, In re, 306 F.2d 908, 134 USPQ 515 (CCPA 1962) . . . . .	716.01(c)
Caterpillar Inc. v. Detroit Diesel Corp., 961 F. Supp. 1249, 41 USPQ2d 1876 (N.D. Ind. 1996) . . . . .	2181	Chiron v. Corp. v. Genentech Inc., 363 F.3d 1247, 70 USPQ2d 1321 (Fed. Cir. 2004) . . . . .	2164.03, 2164.05(a)
Caterpillar Tractor Co. v. Comm'r Pat., 650 F. Supp. 218, 231 USPQ 590 (E.D. Va. 1986) . . . . .	1850	Chiuminatta Concrete Concepts, Inc. v. Cardinal Indus. Inc., 145 F.3d 1303, 46 USPQ2d 1752 (Fed. Cir. 1998) . . . . .	2183, 2184
Cavanagh, In re, 436 F.2d 491, 168 USPQ 466 (CCPA 1971) . . . . .	716.04	Chore-Time Equipment, Inc. v. Cumberland Corp., 713 F.2d 774, 218 USPQ 673 (Fed. Cir. 1983) . . . . .	2141.03
Caveney, In re, 761 F.2d 671, 226 USPQ 1 (Fed. Cir. 1985) . . . . .	2133.03(b)	Christensen, In re, 330 F.2d 652, 141 USPQ 295 (CCPA 1964) . . . . .	804.03
Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 47 USPQ2d 1516 (Fed. Cir. 1998) . . . . .	2123, 2131.05	Christie v. Seybold, 1893 C.D. 515, 64 O.G. 1650 (6th Cir. 1893) . . . . .	715.07(a)
Certain Limited-Charge Cell Culture Microcarriers, 221 USPQ 1165 (Int'l Trade Comm'n 1983) . . . . .	2164.01	Chromalloy American Corp. v. Alloy Surfaces Co., 339 F.Supp 859, 173 USPQ 295 (D. Del. 1972) . . . . .	201.11, 2004, 2012, 2016
CFMT, Inc. v. Yieldup Int'l Corp., 349 F.3d 1333, 68 USPQ2d 1940 (Fed. Cir. 2003) . . . . .	2164		
Chandler, In re, 319 F.2d 211, 138 USPQ 138 (CCPA 1963) . . . . .	2173.05(n)		

MANUAL OF PATENT EXAMINING PROCEDURE

Chu, In re, 66 F.3d 292, 36 USPQ2d 1089 (Fed. Cir. 1995) . . . . .	201.11, 716.02(f), 1504.20, 2145,	Cole, In re, 326 F.2d 769, 140 USPQ 230 (CCPA 1964) . . . . .	2164.06(c)
Chupp, In re, 816 F.2d 643, 2 USPQ2d 1437 (Fed. Cir. 1987) . . . . .	716.01(d), 716.02(a), 2145	Cole v. Kimberly-Clark Corp., 102 F.3d 524, 41 USPQ2d 1001 (Fed. Cir. 1996) . . . . .	2181
Ciric v. Flanigen, 511 F.2d 1182, 185 USPQ 103 (CCPA 1975) . . . . .	2138.05	Coleman v. Dines, 754 F.2d 353, 224 USPQ 857 (Fed. Cir. 1985) . . . . .	2138.04
Citron, In re, 325 F.2d 248, 139 USPQ 516 (CCPA 1963) . . . . .	2107.01, 2107.02, 2107.03	Colianni, In re, 561 F.2d 220, 195 USPQ 150 (CCPA 1977) . . . . .	2164.06, 2164.06(b)
Clamp, In re, 151 USPQ 423 (Comm'r Pat. 1966) . . . . .	201.13	Collier, In re, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968) . . . . .	2163, 2163.05, 2172.01, 2173.05(k)
Clapp, Ex parte, 227 USPQ 972 (Bd. Pat. App & Inter. 1985) . . . . .	706.02(j), 2144	Comstock, In re, 481 F.2d 905, 178 USPQ 616 (CCPA 1973) . . . . .	2164.06(c)
Clark, Ex parte, 174 USPQ 40 (Bd. App. 1971) . . . . .	2173.05(o)	Comstock, Ex parte, 1923 C.D. 82, 317 O.G. 4 (Comm'r Pat. 1923) . . . . .	1214.01, 2682
Clark, In re, 522 F.2d 623, 187 USPQ 209 (CCPA 1975) . . . . .	2012, 2012.01, 2016	Consolidated Aluminum Corp. v. Foseco Inc., 910 F.2d 804, 15 USPQ2d 1481 (Fed. Cir. 1990) . . . . .	2165
Clark, In re, 457 F.2d 1004, 173 USPQ 359 (CCPA 1972) . . . . .	715.05	Consolidated Edison Co. v. NLRB, 305 U.S. 197 (1938) . . . . .	1216.01
Clarke, In re, 356 F.2d 987, 148 USPQ 665 (CCPA 1966) . . . . .	715.03	Consolidated Fruit-Jar Co. v. Wright, 94 U.S. 92 (1876) . . . . .	2133.03(b)
Clay, In re, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992) . . . . .	2144.08	Constant, In re, 827 F.2d 728, 3 USPQ2d 1479 (Fed. Cir. 1987) . . . . .	1414
Clemens, In re, 622 F.2d 1029, 206 USPQ 289 (CCPA 1980) . . . . .	716.02(d), 2145	Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988) . . . . .	706.02, 2128.02, 2129, 2145
Clement, In re, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997) . . . . .	1412.02	Continental Can Co., Inc. v. Schuyler, 326 F. Supp 283, 168 USPQ 625 (D.D.C. 1970) . . . . .	1216.01
Clifford, Ex parte, 49 USPQ 152 (Bd. App. 1940) . . . . .	901.02	Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 20 USPQ2d 1746 (Fed. Cir. 1991) . . . . .	2131.01
Clinical Products Ltd. v. Brenner, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966) . . . . .	706.03(d), 2173.05(q)	Cook, In re, 439 F.2d 730, 169 USPQ 298 (CCPA 1971) . . . . .	2164.03, 2164.08(b)
Cloud v. Standard Packaging Corp., 376 F.2d 384, 153 USPQ 317 (7th Cir. 1967) . . . . .	2133.03(e)(1)	Cooper v. Goldfarb, 154 F.3d 1321, 47 USPQ2d 1896 (Fed. Cir. 1998) . . . . .	2163
Coca-Cola Co. v. Gemini Rising Inc., 346 F. Supp. 1183, 175 USPQ 56 (E.D.N.Y. 1972) . . . . .	1512	Cooper v. Goldfarb, 240 F.3d 1378, 57 USPQ2d 1990 (Fed. Cir. 2001) . . . . .	2138.05
Cofer, In re, 354 F.2d 664, 148 USPQ 268 (CCPA 1966) . . . . .	2144.04	Cooper, In re, 230 USPQ 638 (Dep. Assist. Comm'r Pat. 1986) . . . . .	201.03
Cogar v. Schuyler, 464 F.2d 747, 173 USPQ 389 (D.C. Cir. 1972) . . . . .	409.03(i)	Copenhaver, Ex parte, 109 USPQ 118 (Bd. App. 1955) . . . . .	2173.05(b)
Cohn, In re, 438 F.2d 984, 169 USPQ 95 (CCPA 1971) . . . . .	2173.03	Corba, In re, 212 USPQ 825 (Comm'r Pat. 1981) . . . . .	1504.20
Colbert v. Lofdahl, 21 USPQ2d 1068 (Bd. Pat. App. & Inter. 1991) . . . . .	2138.02	Cordova, Ex parte, 10 USPQ2d 1949 (Bd. Pat. App. & Inter. 1989) . . . . .	2173.05(h)

LIST OF DECISIONS CITED

Corkill, In re, 711 F.2d 1496, 226 USPQ 1005 (Fed. Cir. 1985) . . . . .	716.02(a), 2107.02	CTS Corp. v. Electro Materials Corp. of America, 469 F. Supp. 801, 202 USPQ 22 (S.D. N.Y. 1979) . . . . .	2133.03(b)
Cormany, In re, 476 F.2d 998, 177 USPQ 450 (CCPA 1973) . . . . .	2172	CTS Corp. v. Piher Int'l Corp., 593 F.2d 777, 201 USPQ 649 (7th Cir. 1979) . . . .	2133.03(d)
Corneil, In re, 347 F.2d 563, 145 USPQ 702 (CCPA 1965) . . . . .	2124	Curtis, In re, 354 F.3d 1347, 69 USPQ2d 1274 (Fed. Cir. 2004) . . . . .	2163, 2163.05
Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., 868 F.2d 1251, 9 USPQ2d 1962 (Fed. Cir. 1989) . . . . .	2111.02, 2163	Custom Accessories, Inc. v. Jeffrey-Allan Industries, Inc., 807 F.2d 955, 962, USPQ2d 1196, 1201 (Fed. Cir. 1986) . . . . .	2141.03
Corning v. Burden, 56 U.S. (15 How.) 252, 14 L.Ed. 683 (1854) . . . . .	2106	Cutter Co. v. Metropolitan Elec. Mfg. Co., 275 F. 158 (2d Cir. 1921) . . . . .	603.01
Cornwall, In re, 230 F.2d 457, 109 USPQ 57 (CCPA 1956) . . . . .	1504.02, 1504.03	Dailey, In re, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) . . . . .	2144.04
Correge v. Murphy, 705 F.2d 1326, 217 USPQ 753 (Fed. Cir. 1983) . . . . .	2138.03	Dale Electronics Inc. v. R.C.L. Electron- ics, 488 F.2d 382, 180 USPQ 225 (1st Cir. 1973) . . . . .	2004
Cortright, In re, 165 F.3d 1353, 49 USPQ2d 1464 (Fed. Cir. 1999) . . . . .	2111, 2164.04	Dallas Cowboys Cheerleaders, Inc. v. Pussycat Cinema, Ltd., 604 F.2d 200, 203 USPQ 161 (2d Cir. 1979) . . . . .	1512
Costello, In re, 717 F.2d 1346, 219 USPQ 389 (Fed. Cir. 1983) . . . . .	716.10, 2136.05, 2137, 2138, 2138.04, 2138.05	Dana Corp. v. IPC Ltd. Partnership, 860 F.2d 415, 8 USPQ2d 1692 (Fed. Cir. 1988) . . . . .	608.01(h), 2165.04
Craig, In re, 411 F.2d 1333, 162 USPQ 157 (CCPA 1969) . . . . .	706.03(w)	Dance, In re, 160 F.3d 1339, 48 USPQ2d 1635 (Fed. Cir. 1998) . . . . .	2143.01
Crish, In re, 393 F.3d 1253, 73 USPQ2d 1364 (Fed. Cir. 2004) . . . . .	2111.03, 2112	Daniels, In re, 144 F.3d 1452, 46 USPQ2d 1788 (Fed. Cir. 1998) . . . . .	1503.02, 1504.04
Critikon, Inc. v. Becton Dickinson Vascu- lar Access, Inc., 120 F.3d 1253, 43 USPQ2d 1666 (Fed. Cir. 1997) . . . . .	2001.06(c)	Danly, In re, 263 F.2d 844, 120 USPQ 528 (CCPA 1959) . . . . .	2114
Crockett, In re, 279 F.2d 274, 126 USPQ 186 (CCPA 1960) . . . . .	2144.06	Dann v. Johnston, 425 U.S. 219, 189 USPQ 257 (1976) . . . . .	716.01(a), 2141, 2141.03
Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc., 424 F.3d 1293, 76 USPQ2d 1662 (Fed. Cir. 2005) . . . . .	2144	Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980) . . . . .	201.06(c), 201.11
Cronyn, In re, 890 F.2d 1158, 13 USPQ2d 1070 (Fed. Cir.1989) . . . . .	2128.01	Dart Indus. v. E.I. du Pont de Nemours & Co., 489 F.2d 1359, 179 USPQ 392 (7th Cir. 1973) . . . . .	2133.03, 2133.03(c)
Crosby, In re, 157 F.2d 198, 71 USPQ 73 (CCPA 1946) . . . . .	716.07	Data Line Corp. v. Micro Technologies, Inc., 813 F.2d 1196, 1 USPQ2d 2052 (Fed. Cir. 1987) . . . . .	2183, 2184
Cross v. Iizuka, 753 F.2d 1040, 224 USPQ 739 (Fed. Cir. 1985) . . . . .	2107.01, 2107.03, 2164.02	Datamize LLC v. Plumtree Software, Inc., 417 F.3d 1342, 75 USPQ2d 1801 (Fed. Cir. 2005) . . . . .	2173.05(b)
Crossman, In re, 187 USPQ 367 (PTO Solicitor 1975) . . . . .	103	Davis, Ex parte, 80 USPQ 448 (Bd. App. 1948) . . . . .	2111.03, 2163
Cruciferous Sprout Litig., In re, 301 F.3d 1343, 64 USPQ2d 1202 (Fed. Cir. 2002) . .	2111.02	Davis, Ex parte, 56 USPQ2d 1434 (Bd. Pat. App. & Inter. 2000) . . . . .	804
Crystal Semiconductor Corp. v. TriTech Microelectronics Int'l Inc., 246 F.3d 1336, 57 USPQ2d 1953 (Fed. Cir. 2001) . .	2111.03		

MANUAL OF PATENT EXAMINING PROCEDURE

Davis Harvester Co., Inc. v. Long Mfg. Co., 252 F. Supp. 989, 149 USPQ 420 (E.D.N.C. 1966) . . . . .	2134	De Solms v. Schoenwald, 15 USPQ2d 1507 (Bd. Pat. App. & Inter. 1990) . . . . .	2138.05, 2138.06
Davis v. Carrier, 81 F.2d 250, 28 USPQ 227 (CCPA 1936) . . . . .	2137.01	DesOrmeaux, Ex parte, 25 USPQ2d 2040 (Bd. Pat. App. & Inter. 1992) . . . . .	2136.04, 2137.01
Dayco Prod., Inc. v. Total Containment, Inc., 329 F.3d 1358, 66 USPQ2d 1801 (Fed. Cir. 2003) . . . . .	2004	Deters, In re, 515 F.2d 1152, 185 USPQ 644 (CCPA 1975) . . . . .	715.09
DeBaun, In re, 687 F.2d 459, 214 USPQ 933 (CCPA 1982) . . . . .	715.01(a), 716.10, 2136.05, 2137.01	Deuel, In re, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995) . . . . .	2144.08, 2144.09, 2163
De Blauwe, In re, 736 F.2d 699, 222 USPQ 191 (Fed. Cir. 1984) . . . . .	716.01(c), 2145	Diamond v. Chakrabarty, 447 U.S. 303, 206 USPQ 193 (1980) . . . . .	2105, 2106, 2107.01
DeCastelet, In re, 562 F.2d 1236, 195 USPQ 439 (CCPA 1977) . . . . .	2106	Diamond v. Diehr, 450 U.S. 175, 209 USPQ 1 (1981) . . . . .	2106, 2106.01, 2106.02, 2107.01
Deckler, In re, 977 F.2d 1449, 24 USPQ2d 1448 (Fed. Cir. 1992) . . . . .	715, 2308.03	Dickinson v. Zurko, 527 U.S. 150, 50 USPQ2d 1930 (1999) . . . . .	1216.01
Deep Welding, Inc. v. Sciaky Bros., 417 F.2d 1227, 163 USPQ 144 (7th Cir. 1969) . . . . .	2128.01	Dien, In re, 680 F.2d 151, 214 USPQ 10 (CCPA 1982) . . . . .	1449.02
Defano, In re, 392 F.2d 280, 157 USPQ 192 (CCPA 1968) . . . . .	715.02, 715.03	Digital Magnetic Sys., Inc. v. Ansley, 213 USPQ 290 (W.D. Okla. 1982) . . . . .	2286, 2686.04
Default Proof Credit Card System, Inc. v. Home Depot U.S.A., Inc., 412 F.3d 1291, 75 USPQ2d 1116 (Fed. Cir. 2005) . . . . .	2181	Dillon, In re, 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990) . . . . .	2141, 2144, 2144.09, 2145
De Graffenried v. United States, 16 USPQ2d 1321 (Ct. Cl. 1990) . . . . .	2133.02, 2181	Dilnot, In re, 319 F.2d 188, 138 USPQ 248 (CCPA 1963) . . . . .	2144.04
De Lajarte, In re, 337 F.2d 870, 143 USPQ 256 (CCPA 1964) . . . . .	2111.03, 2163	D.L. Auld Co. v. Chroma Graphics Corp., 714 F.2d 1144, 219 USPQ 13 (Fed. Cir. 1983) . . . . .	2133.03(c)
Delavoye, Ex parte, 1906 C.D. 320, 124 O.G. 626 (Comm'r Pat. 1906) . . . . .	604.02	D.M.I., Inc. v. Deere & Co., 755 F.2d 1570, 225 USPQ 236 (Fed. Cir. 1985) . . . . .	2184
Delgar Inc. v. Schuyler, 172 USPQ 513 (D.D.C. 1970) . . . . .	711.03(c)	Doll, In re, 419 F.2d 925, 164 USPQ 218 (CCPA 1970) . . . . .	1412.03
Demaco Corp. v. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir. 1988) . . . . .	716.01(b), 716.01(d), 716.03, 716.03(a), 716.03(b)	Donaldson, In re, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994) . . . . .	2106, 2111.01, 2114, 2181, 2182
Dembiczak, In re, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999) . . . . .	1504.06, 2144.04	Donaldson, Ex parte, 26 USPQ2d 1250 (Bd. Pat. App. & Inter. 1992) . . . . .	1504.01
Deminski, In re, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986) . . . . .	2141.01(a)	Donohue, In re, 550 F.2d 1269, 193 USPQ 136 (CCPA 1977) . . . . .	2106, 2164.06, 2164.06(a)
De Seversky, In re, 474 F.2d 671, 177 USPQ 144 (CCPA 1973) . . . . .	201.06(c), 608.01(p), 1504.05	Donohue, In re, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985) . . . . .	2121.01, 2121.02, 2131.01
DeSeversky v. Brenner, 424 F.2d 857, 164 USPQ 495 (D.C. Cir. 1970) . . . . .	1216.02	Donovan, Ex parte, 1890 C.D. 109, 52 O.G. 309 (Comm'r Pat. 1890) . . . . .	715.07
		Dossel, In re, 115 F.3d 942, 42 USPQ2d 1881 (Fed. Cir. 1997) . . . . .	2181, 2185
		Dotter, Ex parte, 12 USPQ 382 (Bd. App. 1931) . . . . .	2173.05(h)

LIST OF DECISIONS CITED

Dow Chem. Co., In re, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988) . . . . .	716.05, 2144.08	Dybel, In re, 524 F.2d 1393, 187 USPQ 593 (CCPA 1975) . . . . .	2133.03(b), 2133.03(e)(3)
Dow Chem. Co. v. American Cyanamid Co., 816 F.2d 617, 2 USPQ2d 1350 (Fed. Cir. 1987) . . . . .	716.06	Dystar textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co., 464 F.3d 1356, 1360, 80 USPQ2d 1641, 1645 (Fed. Cir. 2006) . . . . .	2143.01, 2144
Dow Chem. Co. v. Astro-Valcour, Inc., 267 F.3d 1334, 60 USPQ2d 1519 (Fed. Cir. 2001) . . . . .	2138.04	E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 67 USPQ2d 1947 (Fed. Cir. 2003) . . . . .	2106, 2111.01
Doyle, In re, 482 F.2d 1385, 179 USPQ 227 (CCPA 1973) . . . . .	1445, 2161.01	East Chicago Machine Tool Corp. v. Stone Container Corp., 181 USPQ 744 (N.D. Ill. 1974) . . . . .	2012
Doyle, In re, 293 F.3d 1355, 63 USPQ2d 1161 (Fed. Cir. 2002) . . . . .	1412.01	Eastwood, Ex parte, 163 USPQ 316 (Bd. App. 1968) . . . . .	2173.05(b)
Dresser Indus. Inc. v. Ford Motor Co., 530 F. Supp. 303, 211 USPQ 1114 (N.D. Texas, 1981) . . . . .	2286, 2686.04	Eaton v. Evans, 204 F.3d 1094, 53 USPQ2d 1696 (Fed. Cir. 2000) . . . . .	2138.05
Driscoll v. Cebalo, 5 USPQ2d 1477 (Bd. Pat. Inter. 1982) . . . . .	2137.01	Eckel, In re, 393 F.2d 848, 157 USPQ 415 (CCPA 1968) . . . . .	804.02
Druey, In re, 319 F.2d 237, 138 USPQ 39 (CCPA 1963) . . . . .	2144.08	Edge, In re, 359 F.2d 896, 149 USPQ 556 (CCPA 1966) . . . . .	2144.04
DSL Dynamic Sciences, Ltd. v. Union Switch & Signal, Inc., 928 F.2d 1122, 18 USPQ2d 1152 (Fed. Cir. 1991) . . . . .	2138.05	Edgerton v. Kingsland, 168 F.2d 121, 75 USPQ 307 (D.C. Cir. 1947) . . . . .	706.03(w)
Dubno, In re, 12 USPQ2d 1153 (Comm'r Pat. & Tm. 1989) . . . . .	2763	Edwards, In re, 568 F.2d 1349, 196 USPQ 465 (CCPA 1978) . . . . .	2138.05
Deuel, In re, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995) . . . . .	2143	Edwards v. Strazzabosco, 58 USPQ2d 1836 (Bd. Pat. App. & Inter. 2001) . . . . .	2305
Dubost v. U.S. Patent and Trademark Office, 777 F.2d 1561, 227 USPQ 977 (Fed. Cir. 1985) . . . . .	201.13	Egbers, In re, 6 USPQ2d 1869 (Comm'r Pat. 1988) . . . . .	711.03(c)
Dulberg, In re, 289 F.2d 522, 129 USPQ 348 (CCPA 1961) . . . . .	2144.04	Egbert v. Lippmann, 104 U.S. 333 (1881) . . . . .	2133.03(a)
Dunki, Ex parte, 153 USPQ 678 (Bd. App. 1967) . . . . .	706.03(d), 2173.05(q)	Eggan, Ex parte, 1911 C.D. 213, 172 O.G. 1091 (Comm'r Pat. 1911) . . . . .	403.01, 403.02
Dunlop Holdings, Ltd. v. Ram Golf Corp., 524 F.2d 33, 188 USPQ 481 (7th Cir. 1975) . . . . .	2133.03(a)	Eggert, Ex parte, 67 USPQ2d 1716 (Bd. Pat. App. & Inter. 2003) . . . . .	1412.02
Dunn, In re, 349 F.2d 433, 146 USPQ 479 (CCPA 1965) . . . . .	804.02	Ehrreich, In re, 590 F.2d 902, 200 USPQ 504 (CCPA 1979) . . . . .	2129, 2172, 2411.01
Dunn v. Ragin, 50 USPQ 472 (Bd. Pat. Inter. 1941) . . . . .	2217, 2617	E.I. du Pont de Nemours & Co. v. Berkley and Co., 620 F.2d 1247, 205 USPQ 1 (8th Cir. 1980) . . . . .	2107.01
Dunne, Ex parte, 20 USPQ2d 1479 (Bd. Pat. App. & Inter. 1991) . . . . .	2134 2138.02, 2138.04	E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co., 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988) . . . . .	2138
DuPont v. Phillips, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988) . . . . .	2217, 2617	Eickmeyer, In re, 602 F.2d 974, 202 USPQ 655 (CCPA 1979) . . . . .	715.05, 715.07
Durden, In re, 763 F.2d 1406, 226 USPQ 359 (Fed. Cir. 1985) . . . . .	2116.01	Eiselstein v. Frank, 52 F.3d 1035, 34 USPQ2d 1467 (Fed. Cir. 1995) . . . . .	1302.01

MANUAL OF PATENT EXAMINING PROCEDURE

Ekenstam, In re, 256 F.2d 321, 118 USPQ 349 (CCPA 1958) . . . . .	901.05, 901.05(b), 2126, 2126.01, 2132	Energizer Holdings Inc. v. Int'l Trade Comm'n, 435 F.3d 1366, 77 USPQ2d 1625 (Fed. Cir. 2006) . . . . .	2173.05(e)
Elan Corp., PLC v. Andrx Pharms. Inc., 366 F.3d 1336, 70 USPQ2d 1722 (Fed. Cir. 2004) . . . . .	2133.03(b)	Engelhardt v. Judd, 369 F.2d 408, 151 USPQ 732 (CCPA 1966) . . . . .	2138.03, 2138.05
Elan Pharm., Inc. v. Mayo Foundation For Medical and Education Research, 346 F.3d 1051, 68 USPQ2d 1373 (Fed. Cir. 2003) . . . . .	2121.01	Enviro Corp. v. Clestra Cleanroom, Inc., 209 F.3d 1360, 54 USPQ2d 1449 (Fed. Cir. 2000) . . . . .	2181
Electromotive Div. of Gen. Motors Corp. v. Transportation Sys. Div. of Gen. Elec. Co., 417 F.3d 1203, 75 USPQ2d 1650 (Fed. Cir. 2005) . . . . .	2133.03(e)(4), 2133.03(e)(5)	Enviro Prods., Inc. v. Total Contain- ment, Inc., 43 USPQ2d 1288 (E.D. Pa. 1997) . . . . .	2001.06(c)
Electric Storage Battery Co. v. Shimadzu, 307 U.S. 5, 41 USPQ 155 (1938) . . . . .	2133.03(b)	Environmental Designs, Ltd. v. Union Oil Co., 713 F.2d 693, 218 USPQ 865 (Fed. Cir. 1983) . . . . .	716.04, 716.05, 2141.03
Eli Lilly & Co. v. Bd. of Regents of the Univ. of Wa., 334 F.3d 1264, 67 USPQ2d 1161 (Fed. Cir. 2003) . . . . .	2301.03	Envirotech Corp. v. Westech Eng'g, Inc., 904 F.2d 1571, 15 USPQ2d 1230 (Fed. Cir. 1990) . . . . .	2133.03(b)
Eli Lilly & Co. v. Barr Laboratories, Inc., 251 F.3d 955, 58 USPQ2d 1869 (Fed. Cir. 2001) . . . . .	804, 2144.08, 2165, 2165.01	Enzo Biochem, Inc. v. Calgene, Inc., 188 F.3d 1362, 52 USPQ2d 1129 (Fed. Cir. 1999) . . . . .	2164.06(b)
Eli Lilly & Co. v. Medtronic, Inc., 496 US 661, 15 USPQ2d 1121 (1990) . . . . .	2750	Enzo Biochem, Inc. v. Gen-Probe, Inc., 323 F.3d 956, 63 USPQ2d 1609 (Fed. Cir. 2002) . . . . .	2163
Eli Lilly, In re, 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) . . . . .	716.01(d), 716.02(b), 716.02(c), 2142, 2144, 2144.08	Epstein, In re, 32 F.3d 1559, 31 USPQ2d 1817 (Fed. Cir. 1994) . . . . .	716.07, 2128, 2133.03(b)
Elliott, Ex parte, 1904 C.D.103, 109 O.G. 1337 (Comm'r Pat. 1904) . . . . .	608.02(g)	Erlich, Ex parte, 3 USPQ2d 1011 (Bd. Pat. App. & Inter. 1986) . . . . .	2143.02, 2173.05(q)
Ellis, In re, 476 F.2d 1370, 177 USPQ 526 (CCPA 1973) . . . . .	2141.01(a)	Erlich, Ex parte, 22 USPQ 1463 (Bd. Pat. App. & Inter. 1992) . . . . .	2124, 2141.03
Elmwood Liquid Prod., Inc. v. Singleton Packing Corp., 328 F. Supp 974, 170 USPQ 398 (M.D. Fla. 1970) . . . . .	2004	Ernsthausen v. Nakayama, 1 USPQ2d 1539 (Bd. Pat. App. & Inter. 1985) . . . . .	2165.01
Elsner, In re, 381 F.3d 1125, 72 USPQ2d 1038 (Fed. Cir. 2004) . . . . .	2121.03	Estee Lauder, Inc. v. L'Oreal S.A., 129 F.3d 588, 44 USPQ2d 1610 (Fed. Cir. 1997) . . . . .	2138.05, 2163
Eltgroth, In re, 419 F.2d 918, 164 USPQ 221 (CCPA 1970) . . . . .	2107.01	Ethicon, Inc. v. United States Surgical Corp., 135 F.3d 1456, 45 USPQ2d 1545 (Fed. Cir. 1998) . . . . .	2137.01, 2181
Emerson Elec. Co. v. Davoil, Inc., 88 F.3d 1051, 39 USPQ 1474 (Fed. Cir. 1996) . . . . .	2254	Ethicon v. Quigg, 849 F.2d 1422, 7 USPQ2d 1152 (Fed. Cir. 1988) . . . . .	1442.02, 2242, 2286, 2642, 2686.04
Emert, In re, 124 F.3d 1458, 44 USPQ2d 1149 (Fed. Cir. 1997) . . . . .	804	Etter, In re, 756 F.2d 852, 225 USPQ 1 (Fed. Cir. 1985) . . . . .	2242, 2258, 2279, 2286, 2642, 2686.04
Emery v. Ronden, 188 USPQ 264 (Bd. Pat. Inter. 1974) . . . . .	2138.06	EWP Corp. v. Reliance Universal, Inc., 755 F.2d 898, 225 USPQ 20 (Fed. Cir. 1985) . . . . .	716.03(b)
Emm, Ex parte, 118 USPQ 180 (Bd. App. 1957) . . . . .	1207.02		

LIST OF DECISIONS CITED

Exxon Corp. v. Phillips Petroleum Co., 265 F.3d 1249, 60 USPQ2d 1368 (Fed. Cir. 2001) . . . 706.07(h), 711.01, 714.01(e), 714.03	Fischer & Porter Co. v. Corning Glass Works, 61 F.R.D. 321, 181 USPQ 329 (E.D. Pa. 1974) . . . . . 1701.01
Eynde, In re, 480 F.2d 1364, 178 USPQ 470 (CCPA 1973) . . . . . 2144.03	Fisher, In re, 427 F.2d 833, 166 USPQ 18 (CCPA 1970) . . . . . 706.03(w), 2164.01(b), 2164.03, 2164.08, 2173.05(a), 2173.05(t)
EZ Dock v. Schafer Sys., Inc., 276 F.3d 1347, 61 USPQ2d 1289 (Fed. Cir. 2002) 2133.03(e), 2133.03(e)(4)	Fisher, In re, 421 F.3d 1365, 76 USPQ2d 1225 (Fed. Cir. 2005) . . . . . 2106, 2107.01
Facijs, In re, 408 F.2d 1396, 161 USPQ 294 (CCPA 1969) . . . . . 715.01(a), 715.01(c), 2132.01, 2136.04, 2136.05, 2137, 2137.01	Fisons Plc. v. Quigg, 876 F.2d 99, 10 USPQ2d 1491 (Fed. Cir. 1989) . . . . . 2751
Falkner v. Inglis, 448 F.3d 1357, 79 USPQ2d 1001 (Fed. Cir. 2006) . . . . . 2163	Fitzgerald, In re, 619 F.2d 67, 205 USPQ 594 (CCPA 1980) . . . . . 706.02(m), 2112, 2183
Farrenkopf, In re, 713 F.2d 714, 219 USPQ 1 (Fed. Cir. 1983) . . . . . 2145	Fitzgerald v. Arbib, 268 F.2d 763, 122 USPQ 530 (CCPA 1959) . . . . . 2138.05, 2138.06
Fassett, 1877 C.D. 32, 11 O.G. 420 (Comm'r Pat. 1877) . . . . . 1410.01	Flint, In re, 411 F.2d 1353, 162 USPQ 228 (CCPA 1969) . . . . . 2173.05(n)
Feldman v. Aunstrup, 517 F.2d 1351, 186 USPQ 108 (CCPA 1975) . . . . . 2406.01	FMC Corp. v. Hennessy Indus., Inc., 836 F.2d 521, 5 USPQ2d 1272 (Fed. Cir. 1987) . . . . . 410
Ferag AG v. Quipp, Inc., 45 F.3d 1562, 33 USPQ2d 1512 (Fed. Cir. 1995) . . . . . 2133.03(b)	FMC Corp. v. Manitowoc Co., 835 F.2d 1411, 5 USPQ2d 1112 (Fed. Cir. 1987) . . 410, 2010
Ferguson, Ex parte, 117 USPQ 229 (Bd. App. 1957) . . . . . 2107.02, 2107.03, 2164.07	Folkers, In re, 344 F.2d 970, 145 USPQ 390 (CCPA 1965) . . . . . 2107.02
Ferguson Beauregard/Logic Controls v. Mega Systems, 350 F.3d 1327, 69 USPQ2d 1001 (Fed. Cir. 2003) . . . . . 2111.01	Fonar Corp. v. General Electric Co., 107 F.3d 1543, 41 USPQ2d 1801 (Fed. Cir. 1997) . . . . . 2106, 2161.01, 2163
Fessmann, In re, 489 F.2d 742, 180 USPQ 324 (CCPA 1974) . . . . . 2113	Fong, In re, 288 F.2d 932, 129 USPQ 264 (CCPA 1961) . . . . . 715.02, 715.03
Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 535 U.S. 722, 122 S.Ct. 1831, 62 USPQ2d 1705 (2002) . . 1302.14, 2173.02	Fong, In re, 378 F.2d 977, 154 USPQ 25 (CCPA 1967) . . . . . 804
Field v. Knowles, 183 F.2d 593, 86 USPQ 373 (CCPA 1950) . . . . . 2133.03(c)	Fontijn v. Okamoto, 518 F.2d 610, 622 186 USPQ97, 106 (CCPA 1975) . . . . . 1402, 1417
Fielder, In re, 471 F.2d 640, 176 USPQ 300 (CCPA 1973) . . . . . 716.01(a), 716.03(b)	Forman, In re, 463 F.2d 1125, 175 USPQ 12 (CCPA 1972) . . . . . 2164.06(c)
Fields v. Conover, 443 F.2d 1386, 170 USPQ 276 (CCPA 1970) . . . . . 2163, 2163.03	Fortel Corp. v. Phone-Mate, Inc., 825 F.2d 1577, 3 USPQ2d 1771 (Fed. Cir. 1987) . . . . . 2293, 2693
Fiers v. Revel, 984 F.2d 1164, 25 USPQ2d 1601 (Fed. Cir. 1993) . . 2137.01, 2138.04, 2163	Foster, Ex parte, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903) . . . . . 715.04
Fine, In re, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) . . . . . 707.07(f), 2143.01, 2143.03, 2144	Foster, In re, 343 F.2d 980, 145 USPQ 166 (CCPA 1965) . . . . . 2132.01, 2133, 2133.02, 2133.03(c)
Finley, In re, 174 F.2d 130, 81 USPQ 383 (CCPA 1949) . . . . . 716.02(e)	Fotland, In re, 779 F.2d 31, 228 USPQ 193 (Fed. Cir. 1985) . . . . . 1403, 1412.03
Fischer, In re Application of, 6 USPQ2d 1573 (Comm'r Pat. 1988) . . . . . 711.03(c)	Fouche, In re, 439 F.2d 1237, 169 USPQ 429 (CCPA 1971) . . . . . 608.01(p), 716.02(b), 2107.01, 2164.07

MANUAL OF PATENT EXAMINING PROCEDURE

Fout, In re, 675 F.2d 297, 213 USPQ 532 (CCPA 1982) . . . . .	2129, 2143.01, 2144.06	Gallo, In re, 231 USPQ 496 (Comm'r Pat. 1986) . . . . .	103
Fox, Ex parte, 128 USPQ 157, 1960 C.D. 28, 761 O.G. 906 (Bd. App. 1957) . . . . .	608.04(a)	Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573, 42 USPQ2d 1378 (Fed. Cir. 1997) . . . . .	2137
Fox, In re, 471 F.2d 1405, 176 USPQ 340 (CCPA 1973) . . . . .	2144.03	Gandy v. Main Belting Co., 143 U.S. 587 (1892) . . . . .	2133.03(d)
Fredericksen, In re, 213 F.2d 547, 102 USPQ 35 (CCPA 1954) . . . . .	2173.05(c)	Garbo, In re, 287 F.2d 192, 129 USPQ 72 (CCPA 1961) . . . . .	1504.03
Fredkin v. Irasek, 397 F.2d 342, 158 USPQ 280 (CCPA 1968) . . . . .	2138.05	Gardner, In re, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973) . . . . .	601.01(d), 2107.01, 2107.03, 2163
Freeman, In re, 23 App. D.C. 226 (App. D.C. 1904) . . . . .	1503.01	Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984) . . . . .	2144.04
Freeman, In re, 573 F.2d 1237, 197 USPQ 464 (CCPA 1978) . . . . .	2184	Garfinkel, In re, 437 F.2d 1000, 168 USPQ 659 (CCPA 1971) . . . . .	715
Freeman, In re, 30 F.3d 1459, 31 USPQ2d 1444 (Fed. Cir. 1994) . . . . .	706.03(w), 2250, 2666.01	Garnero, In re, 412 F.2d 276, 162 USPQ 221 (CCPA 1979) . . . . .	2113
Fregeau v. Mossinghoff, 776 F.2d 1034, 227 USPQ 848 (Fed. Cir. 1985) . . . . .	2107.01, 2107.02	Garret Corp. v. United States, 422 F.2d 874, 164 USPQ 521 (Ct. Cl. 1970) . . . . .	2128.01
Fressola, Ex parte, 27 USPQ2d 1608 (Bd. Pat. App. & Inter. 1993) . . . . .	2173.05(r), 2173.05(s)	Garrett v. Cox, 233 F.2d 343, 110 USPQ 52 (CCPA 1956) . . . . .	608.02(w), 1302.04
Fressola v. Manbeck, 36 USPQ2d 1211 (D.D.C. 1995) . . . . .	608.01(m)	Gartside, In re, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000) . . . . .	1216.01, 2144.03
Fried, In re, 312 F.2d 930, 136 USPQ 429 (CCPA 1963) . . . . .	706.03(w)	Gaubert, In re, 524 F.2d 1222, 187 USPQ 664 (CCPA 1975) . . . . .	2107.03
Fried, In re, 329 F.2d 323, 141 USPQ 27 (CCPA 1964) . . . . .	608.01(p)	Gaubert, In re, 530 F.2d 1402, 189 USPQ 432 (CCPA 1975) . . . . .	2107.02, 2107.03
Frilette, In re, 412 F.2d 164, 162 USPQ 163 (CCPA 1969) . . . . .	715.01(b)	Gay, In re, 309 F.2d 769, 135 USPQ 311 (CCPA 1962) . . . . .	608.01(h), 2161.01, 2165.01
Fritsch v. Lin, 21 USPQ2d 1731 (Bd. Pat. App. & Inter. 1991) . . . . .	2137.01, 2138.06	Gazave, In re, 379 F.2d 973, 154 USPQ 92 (CCPA 1967) . . . . .	2164.07, 2107.01, 2107.02, 2107.03
Fuge, In re, 272 F.2d 954, 124 USPQ 105 (CCPA 1959) . . . . .	901.05, 2126.02	Gazda, In re, 219 F.2d 449, 104 USPQ 400 (CCPA 1955) . . . . .	2144.04
Fujikawa v. Wattanasin, 93 F.3d 1559, 39 USPQ2d 1895 (Fed. Cir. 1996) . . . . .	2163, 2163.05	Gearon v. United States, 121 F. Supp. 652, 101 USPQ 460 (Ct. Cl. 1954) . . . . .	601.01(e)
Fujishiro, Ex parte, 199 USPQ 36 (Bd. App. 1977) . . . . .	901.05, 2135.01	Gebauer-Fuelnegg, In re, 121 F.2d 505, 50 USPQ 125 (CCPA 1941) . . . . .	608.01(v)
Fulton, In re, 391 F.3d 1195, 73 USPQ2d 1141 (Fed. Cir. 2004) . . . . .	2123, 2141.02, 2143.01, 2145	Geiger, In re, 815 F.2d 686, 2 USPQ2d 1276 (Fed. Cir. 1987) . . . . .	716.02(e), 2144.06
Funk Bros. Seed Co. v. Kalo Inoculant Co., 333 U.S. 127, 76 USPQ 280 (1948) . . . . .	2105, 2106	Geisler, In re, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997) . . . . .	2144.05, 2145
Future's Technology Ltd. v. Quigg, 684 F. Supp. 430, 7 USPQ2d 1588 (E.D. Va. 1988) . . . . .	711.03(c)	Gellert v. Wanberg, 495 F.2d 779, 181 USPQ 648 (CCPA 1974) . . . . .	2138.05
G, In re Application of, 11 USPQ2d 1378 (Comm'r Pat. 1989) . . . . .	711.03(c)	Gelles, Ex parte, 22 USPQ2d 1318 (Bd. Pat. App. & Inter. 1992) . . . . .	716.02, 716.02(b)

LIST OF DECISIONS CITED

Genveto Jewelry Co. v. Lambert Bros., Inc., 542 F. Supp. 933, 216 USPQ 976 (S.D. N.Y. 1982) . . . . .	2001.06(a), 2004, 2016	Gillette Co. v. Energizer Holdings Inc., 405 F.3d 1367, 74 USPQ2d 1586 (Fed. Cir. 2005) . . . . .	2111.03
Genentech, Inc. v. Chiron Corp., 112 F.3d 495, 42 USPQ2d 1608 (Fed. Cir. 1997) . . . . .	2111.03, 2138.05, 2163	Gillman v. Stern, 114 F.2d 28, 46 USPQ 430 (2d Cir. 1940) . . . . .	2133.03(a)
Genentech v. Wellcome Foundation, 29 F.3d 1555, 31 USPQ2d 1161 (Fed. Cir. 1994) . . . . .	2164.04	Ginos v. Nedelec, 220 USPQ 831 (Bd. Pat. Inter. 1983) . . . . .	2138.05, 2138.06
General Elec. v. Brenner, 407 F.2d 1258, 159 USPQ 335 (D.C. Cir. 1968) . . . . .	608.01(p)	Glaser v. Strickland, 220 USPQ 446 (Bd. Pat. Inter. 1983) . . . . .	716.09
General Elec. v. United States, 206 USPQ 260 (Ct. Cl. 1979) . . . . .	2133.03(e)(1)	Glass, In re, 492 F.2d 1228, 181 USPQ 31 (CCPA 1974) . . . . .	608.01(h), 608.01(p), 2124, 2165.02
General Electro Music Corp. v. Samick Music Corp., 19 F.3d 1405, 30 USPQ2d 1149 (Fed. Cir. 1994) . . . . .	410	Glavas, In re, 230 F.2d 447, 109 USPQ 50 (CCPA 1956) . . . . .	1504.02, 1504.03
General Foods Corp. v. Studiengesellschaft Kohle mbH, 972 F.2d 1272, 23 USPQ2d 1839 (Fed. Cir. 1992) . . . . .	804	Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 34 USPQ2d 1565 (Fed. Cir. 1995) . . . . .	2107.01
General Motors Corp. v. Bendix Aviation Corp., 123 F. Supp 506, 102 USPQ 58 (N.D. Ind. 1954) . . . . .	2133.03(e)(6)	Glaxo Operations UK Ltd. v. Quigg, 706 F. Supp. 1224, 10 USPQ2d 1100 (E.D. Va. 1989) . . . . .	2751
Geneva Pharms. Inc. v. GlaxoSmithKline PLC, 349 F.3d 1373, 68 USPQ2d 1865 (Fed. Cir. 2003) . . . . .	804.01, 814	Goffe, In re, 542 F.2d 564, 191 USPQ 429 (CCPA 1976) . . . . .	2164.08, 2164.08(c)
Gentry Gallery, Inc. v. Berklinc Corp., 134 F.3d 1473, 45 USPQ2d 1498 (Fed. Cir. 1998) . . . . .	2163, 2163.05	Golden Valley Microwave Food Inc. v. Weaver Popcorn Co., 837 F. Supp. 1444, 24 USPQ2d 1801 (N.D. Ind. 1992) . . . . .	410
George, Ex parte, 21 USPQ2d 1058 (Bd. Pat. App. & Inter. 1991) . . . . .	716.01(c)	Goldstein, In re, 16 USPQ2d 1963 (Dep. Assist. Comm'r Pat. 1988) . . . . .	402.10
George, In re, 2 USPQ2d 1880 (Bd. Pat. App. & Inter. 1987) . . . . .	2128.01	Golight Inc. v. Wal-Mart Stores Inc., 355 F.3d 1327, 69 USPQ2d 1481 (Fed. Cir. 2004) . . . . .	2182
Gerber Garment Technology, Inc. v. Lectra Systems, Inc., 916 F.2d 683, 16 USPQ2d 1436 (Fed. Cir. 1990) . . . . .	804.01	Good, Ex parte, 1911 C.D. 43, 164 O.G. 789 (Comm'r Pat. 1911) . . . . .	608.02(d)
Gershon, In re, 372 F.2d 535, 152 USPQ 602 (CCPA 1967) . . . . .	716.02(c), 716.04	Goodman, In re, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993) . . . . .	804, 806.04(i), 1504.06, 2164.06(b), 2164.08
Ghiron, In re, 442 F.2d 985, 169 USPQ 723 (CCPA 1971) . . . . .	2161.01, 2164.01(b), 2164.06(c), 2164.06, 2164.06(a), 2185	Goodyear Tire & Rubber Co., Ex parte, 230 USPQ 357 (Bd. Pat. App. & Inter. 1985) . . . . .	2141.01(a)
Gibbs, In re, 437 F.2d 486, 168 USPQ 578 (CCPA 1971) . . . . .	715, 2134	Gordon, In re, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) . . . . .	2143.01, 2144.08
Gibson, Ex parte, 20 USPQ 249 (Bd. App. 1933) . . . . .	1504.01(b)	Gorham Manufacturing Co. v. White, 81 U.S. (14 Wall.) 511 (1871) . . . . .	1504.01(c), 1504.01(d)
Gibson, In re, 39 F.2d 975, 5 USPQ 230 (CCPA 1930) . . . . .	2144.04	Gorman, In re, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991) . . . . .	707.07(f), 2145
		Gosteli, In re, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989) . . . . .	608.01(p), 715.03, 2131.02, 2136.05, 2163.02, 2163.03, 2163.05

MANUAL OF PATENT EXAMINING PROCEDURE

Gottlieb, In re, 328 F.2d 1016, 140 USPQ 665 (CCPA 1964) . . . . .	2107.02	U.S. 147, 152, 87 USPQ 303, 306 (1950) . . . . .	2143.01
Gottschalk v. Benson, 409 U.S. 63, 175 USPQ 673 (1972). . . . .	2106, 2106.01, 2106.02	Greenberg v. Ethicon Endo-Surgery, Inc., 91 F.3d 1580, 39 USPQ2d 1783 (Fed. Cir. 1996). . . . .	2181
Gould v. Control Laser Corp., 705 F.2d 1340, 217 USPQ 985 (Fed. Cir. 1983) . . . . .	2286, 2686.04	Greenewalt v. Stanley, 54 F.2d 195, 12 USPQ 122 (3d Cir. 1931). . . . .	2133.03(e)(1)
Gould v. Quigg, 822 F.2d 1074, 3 USPQ2d 1302 (Fed. Cir. 1987) . . . . .	2164.02, 2164.05(a)	Greenfield, In re, 40 F.2d 775, 5 USPQ 474 (CCPA 1930) . . . . .	1214.01, 2682
Gould v. Schawlow, 363 F.2d 908, 150 USPQ 634 (CCPA 1966) . . . . .	2138.06	Greenfield, In re, 571 F.2d 1185, 197 USPQ 227 (CCPA 1978) . . . . .	2145
GPAC, In re, 57 F.3d 1573, 35 USPQ2d 1116 (Fed. Cir. 1995) . . . . .	716.03, 2145	Greenwood v. Seiko Instruments, 8 USPQ2d 1455 (D.D.C. 1988). . . . .	2273
Gabiak, In re, 769 F.2d 729, 226 USPQ 871 (Fed. Cir. 1985) . . . . .	2144.08, 2144.09	Greer, In re, 484 F.2d 488, 179 USPQ 301 (CCPA 1973) . . . . .	1605
Grady, Ex parte, 59 USPQ2d 276 (Comm'r Pat. 1943) . . . . .	607.02	Grier, Ex parte, 1923 C.D. 27, 309 O.G. 223 (Comm'r Pat. 1923) . . . . .	706.04
Graff, In re, 111 F.3d 874, 42 USPQ2d 1471 (Fed. Cir. 1997) . . . . .	1403, 1412.03, 1451	Griffith v. Kanamaru, 816 F.2d 624, 2 USPQ2d 1361 (Fed. Cir. 1987) . . . . .	2138.06
Graham v. John Deere, 383 U.S. 1, 148 USPQ 459 (1966). . . . .	706.02(j), 706.02(m), 716.01(a), 804, 1504.03, 1504.06, 2106, 2141, 2144.08, 2258	Griswold, In re, 365 F.2d 834, 150 USPQ 804 (CCPA 1966) . . . . .	804.02
Gramme Elec. Co. v. Arnoux and Hochhausen Elec. Co., 17 F. 838, 1883 C.D.418 (S.D. N.Y. 1883) . . . . .	901.05, 2135.01	Grose, In re, 592 F.2d 1161, 201 USPQ 57 (CCPA 1979) . . . . .	2144.02, 2144.03, 2145
Grasselli, Ex parte, 231 USPQ 393 (Bd. App. 1983) . . . . .	2143.03, 2173.05(i)	Group One, Ltd. v. Hallmark Cards, Inc., 254 F.3d 1041, 59 USPQ2d 1121 (Fed. Cir. 2001) . . . . .	2133.03(b)
Grasselli, In re, 713 F.2d 731, 218 USPQ 769 (Fed. Cir. 1983) . . . . .	716.02(d), 2112, 2145	Grunwell, In re, 609 F.2d 486, 203 USPQ 1055 (CCPA 1979) . . . . .	2107.02
Graver Tank & Mfg. Co. v. Linde Air Products, 339 U.S. 605, 85 USPQ 328 (1950) . . . . .	2183, 2184, 2186	Guastavino, In re, 83 F.2d 913, 29 USPQ 532 (CCPA 1936) . . . . .	1449.02
Gray, Ex parte, 10 USPQ2d 1922 (Bd. Pat. App. & Inter. 1989) . . . . .	716.01(c), 716.02(g), 2113, 2144.04	Gulack, In re, 703 F.2d 1381, 217 USPQ 401 (Fed. Cir. 1983) . . . . .	2106.01, 2112.01
Gray, In re, 115 USPQ 80 (Comm'r Pat. 1956) . . . . .	409.03(d), 409.03(f)	Gulliksen v. Halberg, 75 USPQ 252 (Bd. App. 1937). . . . .	2128.01
Gray, In re, 53 F.2d 520, 11 USPQ 255 (CCPA 1931). . . . .	2111.03	Gunn, In re, 537 F.2d 1123, 190 USPQ 402 (CCPA 1976) . . . . .	2164.05(a), 2164.06(c), 2164.06, 2164.06(a)
Grayson, Ex parte, 51 USPQ 413 (Bd. App. 1941) . . . . .	706.03(a)	Gunn v. Bosch, 181 USPQ 758 (Bd. Pat. Inter. 1973). . . . .	2138.06
Grayson, Ex parte, 51 USPQ 413 (Bd. App. 1941) . . . . .	706.03(a)	Gunter v. Stream, 573 F.2d 77, 197 USPQ 482 (CCPA 1978) . . . . .	2138.04
Great Atlantic & P Tea Co. v. Supermarket Equipment Corp., 340		Gurley, In re, 27 F.3d 551, 31 USPQ2d 1130 (Fed. Cir. 1994). . . . .	2123, 2145
		Gustafson, In re, 331 F.2d 905, 141 USPQ 585 (CCPA 1964) . . . . .	2173.05(k)
		Gustafson v. Strange, 227 USPQ 174 (Comm'r Pat. 1985). . . . .	513

LIST OF DECISIONS CITED

Gwinn, Ex parte, 112 USPQ 439 (Bd App. 1955) . . . . .	706.03(a)	Harito, In re, 847 F.2d 801, 6 USPQ2d 1930 (Fed. Cir. 1988) . . . . .	2010
Haas, In re, 580 F.2d 461, 198 USPQ 334 (CCPA 1978). . . . .	803.02	Harley v. Lehman, 981 F. Supp. 9, 44 USPQ2d 1699 (D.D.C. 1997) . . . . .	1308
Hack, In re, 245 F.2d 246, 114 USPQ 161 (CCPA 1957). . . . .	2112.02	Harnisch, In re, 631 F.2d 716, 206 USPQ 300 (CCPA 1980) . . . . .	803.02, 2173.05(h)
Hadco Products, Inc., v. Lighting Corp. of America, Inc., 312 F.Supp 1173, 165 USPQ 496 (E.D. Pa 1970) . . . . .	1503.02	Harrington Mfg. Co. v. Powell Mfg. Co., 815 F.2d 1478, 2 USPQ2d 1364 (Fed. Cir. 1986). . . . .	2133.03(e)(2)
Hafner, In re, 410 F.2d 1403, 161 USPQ 783 (CCPA 1969) . . . . .	201.11	Harris, Ex parte, 79 USPQ 439 (Comm'r Pat. 1948) . . . . .	707.05(f)
Hageman, Ex parte, 179 USPQ 747 (Bd. App. 1971) . . . . .	201.11	Harris, In re, 409 F.3d 1339, 74 USPQ2d 1951 (Fed. Cir. 2005) . . . . .	2144.05
Hahn v. Wong, 892 F.2d 1028, 13 USPQ2d 1313 (Fed. Cir. 1989). . . . .	2305	Harry, In re, 333 F.2d 920, 142 USPQ 164 (CCPA 1964). . . . .	715.07, 2138.06
Haines v. Quigg, 673 F. Supp 314, 5 USPQ2d 1130 (N.D. Ind. 1987). . . . .	711.03(c)	Hartley, Ex parte, 1908 C.D. 224 (Comm'r Pat. 1908) . . . . .	720.05
Hale, Ex parte, 49 USPQ 209 (Bd. App. 1941) . . . . .	715.09	Hartop, In re, 311 F.2d 249, 135 USPQ 419 (CCPA 1962) . . . . .	2107.01, 2107.03
Hall, Ex parte, 83 USPQ 38 (Bd. App. 1949) . . . . .	706.03(d), 2173.05(d)	Harvey, In re, 12 F.3d 1061, 29 USPQ2d 1206 (Fed. Cir. 1993) . . . . .	1504.04
Hall, In re, 208 F.2d 370, 100 USPQ 46 (CCPA 1953). . . . .	2173.05(j)	Harwood, In re, 390 F.2d 985, 156 USPQ 673 (CCPA 1968) . . . . .	2107.01
Hall, In re, 781 F.2d 897, 228 USPQ 453 (Fed. Cir. 1986). . . . .	2128, 2128.01, 2128.02	Harza, In re, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) . . . . .	2144.04
Hall v. Macneale, 107 U.S. 90 (1882) . . . . .	2133.03(a)	Hasche, Ex parte, 86 USPQ 481 (Bd. App. 1949). . . . .	706.03(d), 2173.05(d)
Halleck, In re, 422 F.2d 911, 164 USPQ 647 (CCPA 1970) . . . . .	2173.05(c)	Haskell v. Colebourne, 671 F.2d 1362, 213 USPQ 192 (CCPA 1982) . . . . .	2138.06
Haller, Ex parte, 103 USPQ 332 (Bd. App. 1953) . . . . .	901.05, 2127	Hata, Ex parte, 6 USPQ2d 1652 (Bd Pat. App. & Int. 1987) . . . . .	2404.02
Hallmark Cards, Inc. v. Lehman, 959 F. Supp. 539, 42 USPQ2d 1134 (D.D.C. 1997) . . . . .	1480	Hawkins, In re, 486 F.2d 569, 179 USPQ 157 (CCPA 1973) . . . . .	608.01(p)
Hamilton, In re, 882 F.2d 1576, 11 USPQ2d 1890 (Fed. Cir. 1989). . . . .	2133.03(c)	Hawkins, In re, 486 F.2d 579, 179 USPQ 163 (CCPA 1973) . . . . .	608.01(p)
Hammack, In re, 427 F.2d 1378, 166 USPQ 204 (CCPA 1970). . . . .	2173.03	Hawkins, In re, 486 F.2d 577, 179 USPQ 167 (CCPA 1973) . . . . .	608.01(p)
Hammack, In re, 427 F.2d 1384, 166 USPQ 209 (CCPA 1970). . . . .	2173.05(e)	Hayes, In re, 53 USPQ2d 1222 (Comm'r Pat. 1999) . . . . .	1412.04
Hammell, In re, 332 F.2d 796, 141 USPQ 832 (CCPA 1964) . . . . .	709.01	Hayes Microcomputer Products, Inc., In re, 982 F.2d 1527, 25 USPQ2d 1241 (Fed. Cir. 1992) . . . . .	1414.01, 2106, 2163
Hanback, Ex parte, 231 USPQ 739 (Bd. Pat. App. & Inter. 1986) . . . . .	1504.04	Hay, Ex parte, 1909 C.D. 18, 139 O.G. 197 (Comm'r Pat. 1909) . . . . .	706.04
Hardee, In re, 223 USPQ 1122 (Comm'r Pat. 1984) . . . . .	201.03, 2137.01	Hay, In re, 534 F.2d 917, 189 USPQ 790 (CCPA 1976). . . . .	608.01(h), 2165.01, 2411.04
Hargraves, In re, 53 F.2d 900, 11 USPQ 240 (CCPA 1931) . . . . .	804	Hays v. Sony Corp. of Am., 847 F.2d 412, 7 USPQ2d 1043 (7th. Cir. 1988). . . . .	410

MANUAL OF PATENT EXAMINING PROCEDURE

Hazeltine Research Inc. v. Brenner, 382 U.S. 252, 147 USPQ 429 (1965) . . . . .	2136.02	Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 15 USPQ2d 1525 (Fed. Cir. 1990) . . . . .	2114
Head, Ex parte, 214 USPQ 551 (Bd. App. 1981) . . . . .	2173.05(h)	Hiatt v. Ziegler, 179 USPQ 757 (Bd. Pat. Inter. 1973) . . . . .	2138.04
Heany, In re, 1911 C.D. 138 (Comm'r Pat. 1911) . . . . .	2012, 2012.01	Hibberd, Ex parte, 227 USPQ 443 (Bd. Pat. App. & Inter. 1985) . . . . .	1601, 2105
Heck, In re, 699 F.2d 1331, 216 USPQ 1038 (Fed. Cir. 1983) . . . . .	2123	Hidy, In re, 303 F.2d 954, 133 USPQ 650 (CCPA 1962) . . . . .	715.05, 804.02, 2308.01
Heckman, Ex parte, 135 USPQ 229 (P.O. Super. Exam. 1960) . . . . .	1504.05	High Concrete Structures Inc. v. New Enter. Stone & Lime Co., 377 F.3d 1379, 71 USPQ2d 1948 (Fed. Cir. 2004) . . .	2165.04
Hedges, In re, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986) . . . . .	2145	Hildebrand, Ex parte, 15 USPQ2d 1662 (Bd. Pat. App. & Inter. 1990) . . . . .	2404.01, 2410.01
Hedgewick v. Akers, 497 F.2d 905, 182 USPQ 167 (CCPA 1974) . . . . .	2137	Hill, In re, 284 F.2d 955, 128 USPQ 197 (CCPA 1960) . . . . .	716.02(d)
Heinl v. Godici, 143 F. Supp. 2d 593 (E.D. Va. 2001) . . . . .	2242, 2246, 2258.01, 2642, 2646	Hill-Rom Co. v. Kinetic Concepts, Inc., 209 F.3d 1337, 54 USPQ2d 1437 (Fed. Cir. 2000) . . . . .	1302.04, 2181
Hellbaum, In re, 371 F.2d 1022, 152 USPQ 571 (CCPA 1967) . . . . .	706.03(w)	Hilmer, In re, 359 F.2d 859, 149 USPQ 480 (CCPA 1966) . . . . .	706.02(f)(1), 715, 2136.03,
Hellsund, In re, 474 F.2d 1307, 177 USPQ 170 (CCPA 1973) . . . . .	715	Hilton, Ex parte, 148 USPQ 356 (Bd. App. 1965) . . . . .	2144.04
Hengehold, In re, 440 F.2d 1395, 169 USPQ 473 (CCPA 1971) . . . . .	821	Hiniker Co., In re, 150 F.3d 1362, 47 USPQ2d 1523 (Fed. Cir. 1998) . . . . .	2106, 2242, 2258, 2258.01, 2642
Henrich, Ex parte, 1913 Dec. Comm'r Pat. 139 (Comm'r Pat. 1913) . . . . .	711.03(c)	Hirao, In re, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) . . . . .	707.07(f), 2141.02
Henriksen, In re, 399 F.2d 253, 158 USPQ 224 (CCPA 1968) . . . . .	201.11	Hirschfield v. Banner, 462 F. Supp 135, 200 USPQ 276 (D.D.C. 1978) . . . . .	2164.06(c)
Heritage, In re, 182 F.2d 639, 86 USPQ 160 (CCPA 1950) . . . . .	901.02	Hirschler, Ex parte, 110 USPQ 384 (Bd. App. 1952) . . . . .	2132.01
Herman v. Huddleston, 459 U.S. 375 (1983) . . . . .	2107.02	Hitchings, In re, 342 F.2d 80, 144 USPQ 637 (CCPA 1965) . . . . .	2164.01(c)
Herman v. William Brooks Shoe Co., 39 USPQ2d 1773 (S.D.N.Y. 1996) . . . . .	410	Hitzeman v. Rutter, 243 F.3d 1345, 58 USPQ2d 1161 (Fed. Cir. 2001) . . . . .	2138.04
Herr, In re, 377 F.2d 610, 153 USPQ 548 (CCPA 1967) . . . . .	706.03(w)	Hiyamizu, Ex parte, 10 USPQ2d 1393 (Bd. Pat. App. & Inter. 1988) . . . . .	2141.03
Herrmann, In re, 261 F.2d 598, 120 USPQ 182 (CCPA 1949) . . . . .	707.07(f)	Hobbs v. United States, 451 F.2d 849, 171 USPQ 713 (5th Cir. 1971) . . . . .	2133.03, 2133.03(b)
Hershberger, Ex parte, 96 USPQ 54 (Bd. App. 1952) . . . . .	2128.01	Hoch, In re, 428 F.2d 1341, 166 USPQ 406 (CCPA 1970) . . . . .	706.02(j), 1207.03, 2144.08
Herschler, In re, 591 F.2d 693, 200 USPQ 711 (CCPA 1979) . . . . .	2161.01, 2163, 2163.05	Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 55 USPQ2d 1487 (Fed. Cir. 2000) . . . . .	2125
Herz, In re, 537 F.2d 549, 190 USPQ 461 (CCPA 1976) . . . . .	2111.03	Hodge v. Rostker, 501 F. Supp 332 (D.D.C. 1980) . . . . .	1216.02
Hester Industries, Inc. v. Stein, Inc., 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998) . . . . .	1412.02		

LIST OF DECISIONS CITED

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 229 USPQ 182 (Fed. Cir. 1986) . . . .	2144.08	Hostettler, In re, 356 F.2d 562, 148 USPQ 514 (CCPA 1966) . . . . .	715.03
Hoechst Aktiengesellschaft v. Quigg, 916 F.2d 522, 16 USPQ2d 1549 (Fed. Cir. 1990) . . . . .	2758	Hough, In re, 108 USPQ 89, 703 O.G.200 (Comm'r Pat. 1955) . . . . .	409.03(i)
Hoechst-Roussel Pharmaceuticals Inc. v. Lehman, 109 F.3d 756, 42 USPQ2d 1220 (Fed. Cir. 1997) . . . . .	2751	Houghton, In re, 433 F.2d 820, 167 USPQ 687 (CCPA 1970) . . . . .	2107.01
Hoeksema, In re, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). . . . .	2121.01, 2121.02, 2144.09, 2145	Hovlid v. Asari, 305 F.2d 747, 134 USPQ 162 (9th Cir. 1962) . . . . .	201.06(d), 201.11
Hoeschele, In re, 406 F.2d 1403, 160 USPQ 809 (CCPA 1969). . . . .	2144.05	Howarth, In re, 654 F.2d 103, 210 USPQ 689 (CCPA 1981) . . . . .	716.09, 2164.01(b)
Hoffer v. Microsoft Corp., 405 F.3d 1326, 74 USPQ2d 1481 (Fed. Cir. 2005) . . . . .	2111.04	Hozumi, Ex parte, 3 USPQ2d 1059 (Bd. Pat. App. & Inter. 1984) . . . . .	803.02
Hoffman, Ex parte, 12 USPQ2d 1061 (Bd. Pat. App. & Inter. 1989) . . . . .	2111.03	Hruby, In re, 373 F.2d 997, 153 USPQ 61 (CCPA 1967). . . . .	1504.01(a)
Hoffman v. Klaus, 9 USPQ2d 1657 (Bd. Pat. App. & Inter. 1988) . . . . .	2107.02	Huang, In re, 100 F.3d 135, 40 USPQ2d 1685 (Fed. Cir. 1996) . . . .	716.03, 716.03(b), 2145
Hoffman-La Roche, Inc. v. Promega Corp., 323 F.3d 1354, 66 USPQ2d 1385 (Fed. Cir. 2003). . . . .	608.01(p), 2004	Huber, Ex parte, 148 USPQ 447 (Bd. Pat. App. 1965). . . . .	2172.01
Hogan, In re, 559 F.2d 595, 194 USPQ 527 (CCPA 1977) . . . . .	2124, 2164.05(a)	Huelster v. Reiter, 168 F.2d 542, 78 USPQ 82 (CCPA 1948). . . . .	2138.06
Holladay, In re, 584 F.2d 384, 199 USPQ 516 (CCPA 1978) . . . . .	716.02(e)	Hull v. Bonis, 214 USPQ 731 (Bd. Pat. Inter. 1982). . . . .	2138.05
Hollingsworth, In re, 253 F.2d 238, 117 USPQ 182 (CCPA 1958) . . . . .	716.03(a)	Hull v. Davenport, 90 F.2d 103, 33 USPQ 506 (CCPA 1937) . . . . .	2138.01, 2138.06
Holmwood v. Cherpeck, 2 USPQ2d 1942 (Bd. Pat. App. & Inter. 1986) . . . . .	2138.03	Humber, Ex parte, 217 USPQ 265 (Bd. App. 1961). . . . .	716.02(e)
Homan, Ex parte, 1905 C.D. 288 (Comm'r Pat. 1905) . . . . .	715.07	Humphreys, Ex parte, 24 USPQ2d 1255 (Bd. Pat. App. & Inter. 1992) . . . . .	2404.01, 2405
Honeywell v. Diamond, 499 F. Supp. 924, 208 USPQ 452 (D.D.C. 1980) . . . . .	2165.04	Hunt Co. v. Mallinckrodt Chem. Works, 177 F.2d 583, 83 USPQ 277 (2d Cir. 1949) . . . . .	201.11, 1504.20
Honigsbaum v. Lehman, 903 F. Supp 8, 37 USPQ2d 1799 (D.D.C. 1995) . . . . .	513	Hunter, Ex parte, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889) . . . . .	715.07(a)
Honn, In re, 364 F.2d 454, 150 USPQ 652 (CCPA 1966). . . . .	608.01(h), 2165.01	Hupp v. Siroflex of America, Inc., 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997) . . . . .	1504.02
Hoogendam, Ex parte, 1939 C.D. 3, 499 O.G. 3, 40 USPQ 389 (Comm'r Pat. 1939) . . . . .	706.07	Huston v. Ladner, 973 F.2d 1564, 23 USPQ2d 1910 (Fed. Cir. 1992) . . . . .	2305
Hook, Ex parte, 102 USPQ 130 (Bd. App. 1953) . . . . .	715.07	Hyatt, In re, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000) . . . . .	2111
Hormone Research Foundation Inc. v. Genentech Inc., 904 F.2d 1558, 15 USPQ2d 1039 (Fed. Cir. 1990) . . . . .	2173.05(a)	Hyatt, In re, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983). . . . .	2164.08(a), 2181
Horton, Ex parte, 226 USPQ 697 (Bd. Pat. App. & Inter. 1985) . . . . .	2258	Hyatt v. Boone, 146 F.3d 1348, 47 USPQ2d 1128 (Fed. Cir. 1998) . . . .	2106, 2138.05, 2163, 2163.03
		Hyatt v. Dudas, 492 F.3d 1365, 83 USPQ2d 1373, 1376 (Fed. Cir. 2007) . . . .	2163.04

MANUAL OF PATENT EXAMINING PROCEDURE

Hybritech, Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 USPQ 81 (Fed. Cir. 1986) . . . . .	716.03(b), 2138.04, 2145, 2163, 2164.01, 2164.05(a), 2173.05(a), 2182, 2184	IPXL Holdings v. Amazon.com, Inc., 430 F.2d 1377, 77 USPQ2d 1140 (Fed. Cir. 2005) . . . . .	2173.05(p)
Hycor Corp. v. The Schlueter Co., 740 F.2d 1529, 222 USPQ 553 (Fed. Cir. 1984) . . . . .	2004	Irish, In re, 433 F.2d 1342, 167 USPQ 764 (CCPA 1970) . . . . .	2136.01
I.C.E. Corp. v. Armco Steel Corp., 250 F. Supp 738, 148 USPQ 537 (S.D.N.Y. 1966) . . . . .	2128	Iron Grip Barbell Co., Inc. v. USA Sports, Inc., 392 F.3d 1317, 73 USPQ2d 1225 (Fed. Cir. 2004) . . . . .	2144.05
Impax Labs. Inc. v. Aventis Pharm. Inc., 468 F.3d 1366, 1383, 81 USPQ2d 1001, 1013 (Fed Cir. 2006) . . . . .	2121, 2122	Irons, In re, 340 F.2d 974, 144 USPQ 351 (CCPA 1965) . . . . .	2107.02, 2164.07
IMS Technology Inc. v. Haas Automation Inc., 206 F.3d 1422, 54 USPQ2d 1129 (Fed. Cir. 2000) . . . . .	2181, 2183, 2184	Irwin, Ex parte, 1928 C.D. 13, 367 O.G. 701 (Comm'r Pat. 1928) . . . . .	604.02
Innova/Pure Water Inc. v. Safari Water Filtration Sys. Inc., 381 F.3d 1111, 72 USPQ2d 1001 (Fed. Cir. 2004) . . . . .	2173.05(g)	Isaacs, In re, 347 F.2d 889, 146 USPQ 193 (CCPA 1963) . . . . .	2107.02, 2107.03
Intel Corp. v. VIA Tech., Inc., 319 F.3d 1537, 65 USPQ2d 1934 (Fed. Cir. 2003) . . . . .	2181	Ishida Co. v. Taylor, 221 F.3d 1310, 55 USPQ2d 1449 (Fed. Cir. 2000) . . . . .	2184
Intellicall, Inc. v. Phonometrics, Inc., 952 F.2d 1384, 21 USPQ2d 1383 (Fed. Cir. 1992) . . . . .	2111.01, 2181	Ishizaka, Ex parte, 24 USPQ2d 1621 (Bd. Pat. App. & Inter. 1992) . . . . .	716.02(b)
Intermountain Research and Eng'g Co. v. Hercules, Inc., 171 USPQ 577 (C.D. Cal. 1971) . . . . .	2012	Jackson, Ex parte, 217 USPQ 804 (Bd. Pat. App. & Inter. 1982) . . . . .	2164.06, 2164.06(a), 2404.02
International Glass Co. v. United States, 408 F.2d 395, 159 USPQ 434 (Ct. Cl. 1968) . . . . .	2138.03	Jaffe, Ex parte, 147 USPQ 45 (Bd. of App. 1964) . . . . .	1504
Interroyal Corp. v. Simmons Co., 204 USPQ 562 (S.D. N.Y. 1979) . . . . .	2133.03(e)(1), 2133.03(e)(3)	J. A. La Porte, Inc. v. Norfolk Dredging Co., 787 F.2d 1577, 229 USPQ 435 (Fed. Cir. 1986) . . . . .	2133.03(b)
Intirtool, Ltd. v. Texar Corp., 369 F.3d 1289, 70 USPQ2d 1780 (Fed. Cir. 2004) . . . . .	2111.02	Janakirama-Rao, In re, 317 F.2d 951, 137 USPQ 893 (CCPA 1963) . . . . .	2111.03, 2163
Invitrogen Corp. v. Biocrest Mfg., L.P., 327 F.3d 1364, 66 USPQ2d 1631 (Fed. Cir. 2003) . . . . .	2111.03	Jansen v. Rexall Sundown, Inc., 342 F.3d 1329, 68 USPQ2d 1154 (Fed. Cir. 2003) . . . . .	2111.02
Invitrogen Corp. v. Biocrest Manufacturing L.P., 424 F.3d 1374, 76 USPQ2d 1741 (Fed. Cir. 2005) . . . . .	2133.03(a), 2133.03(c)	Japikse, In re, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) . . . . .	2144.04
Invitrogen Corp. v. Clontech Laboratories, Inc., 429 F.3d 1052, 77 USPQ2d 1161 (Fed. Cir. 2005) . . . . .	2138.04	J.E.M. Ag Supply, Inc. v. Pioneer Hi-Bred Int'l, Inc., 534 U.S. 124, 122 S.Ct. 593, 60 USPQ2d 1865 (2001) . . . . .	2105
Ionescu, Ex parte, 222 USPQ 537 (Bd. App. 1984) . . . . .	2143.03, 2171, 2173.06	Jennings, In re, 182 F.2d 207, 86 USPQ 68 (CCPA 1950) . . . . .	1504.03
		Jentoft, In re, 392 F.2d 633, 157 USPQ 363 (CCPA 1968) . . . . .	804.02, 1490
		Jessel v. Newland, 195 USPQ 678 (Comm'r Pat. 1977) . . . . .	1605
		Jockmus v. Leviton, 28 F.2d 812 (2d Cir. 1928) . . . . .	2121.04, 2125
		John O. Butler Co. v. Block Drug Co. Inc., 620 F. Supp. 771, 226 USPQ 855 (D. Ill. 1985) . . . . .	1504

LIST OF DECISIONS CITED

Johns-Manville Corp. v. Guardian I industries Corp., 586 F. Supp 1034, 221 USPQ 319 (E.D. Mich. 1983) . . . . .	2165.01	Judin v. United States, 110 F.3d 780, 42 USPQ2d 1300 (Fed. Cir. 1997) . . . . .	410
Johnson, In re, 282 F.2d 370, 127 USPQ 216 (CCPA 1960) . . . . .	2164.01(c)	Juicy Whip Inc. v. Orange Bang Inc., 185 F.3d 1364, 51 USPQ2d 1700 (Fed. Cir. 1999) . . . . .	706.03(a)
Johnson, In re, 558 F.2d 1008, 194 USPQ 187 (CCPA 1977) . . . . .	2164.08, 2173.05(i)	Justus v. Appenzeller, 177 USPQ 332 (Bd. Pat. Inter. 1971) . . . . .	2138.06
Johnson, In re, 589 F.2d 1070, 200 USPQ 199 (CCPA 1978) . . . . .	2161.01, 2184	Kaghan, In re, 387 F.2d 398, 156 USPQ 130 (CCPA 1967) . . . . .	706.03(w)
Johnson, In re, 747 F.2d 1456, 223 USPQ 1260 (Fed. Cir. 1984) . . . . .	716.02(e)	Kahn, In re, 202 USPQ 772 (Comm'r Pat. 1979) . . . . .	2012.01
Johnson Worldwide Associates v. Zebco Corp., 175 F.3d 985, 993, 50 USPQ2d 1607, (Fed. Cir. 1999) . . . . .	2163, 2163.05	Kahn, In re, 441 F.3d 977, 78 USPQ2d 1329 (Fed. Cir. 2006) . . . . .	2143.01, 2144
Jolles, In re, 628 F.2d 1322, 206 USPQ 885 (CCPA 1980) . . . . .	2107.01, 2107.02, 2107.03	Kaiser Industries Corp. v. Jones & Laughlin Steel Corp., 515 F.2d 964, 185 USPQ 343 (3d Cir. 1975) . . . . .	2012.01
Jolley, In re, 308 F.3d 1317, 64 USPQ2d 1901 (Fed. Cir. 2002) . . . . .	2138.04, 2138.06	KangaROOS U.S.A., Inc. v. Caldor, Inc., 778 F.2d. 1571, 228 USPQ 32 (Fed. Cir. 1985) . . . . .	1504.20, 2004
Joly, In re, 376 F.2d 906, 153 USPQ 45 (CCPA 1967) . . . . .	2107.01, 2107.02	Kanter, In re, 399 F.2d 249, 158 USPQ 331 (CCPA 1968) . . . . .	2116.01
Jones, Ex parte, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) . . . . .	706.02	Kantor, Ex parte, 177 USPQ 455 (Bd. App. 1958) . . . . .	715.07(a)
Jones, Ex parte, 1924 C.D. 59, 327 O.G. 681 (Comm'r Pat. 1924) . . . . .	709.01	Kaplan, In re, 789 F.2d 1574, 229 USPQ 678 (Fed. Cir. 1986) . . . . .	804
Jones, In re, 373 F.2d 1007, 153 USPQ 77 (CCPA 1967) . . . . .	706.03(a)	Kaslow, In re, 707 F.2d 1366, 217 USPQ 1089 (Fed. Cir. 1983) . . . . .	706.03(v), 2141.02, 2161.01, 2163.02
Jones, In re, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) . . . . .	707.07(f), 2143.01, 2144, 2144.05, 2144.08	Kathawala, In re, 9 F.3d 942, 28 USPQ2d 1785 (Fed. Cir. 1993) . . . . .	2126, 2126.02, 2135.01
Jones v. Hardy, 727 F.2d 1524, 220 USPQ 1021 (Fed. Cir. 1984) . . . . .	2141.02, 2144.08	Katrapat, In re, 6 USPQ2d 1863 (Comm'r Pat. 1988) . . . . .	711.03(c), 2268, 2668
Jones v. Progress Ind., Inc., 163 F. Supp. 824, 119 USPQ 92 (D. R.I. 1958) . . . . .	1504.02, 1504.03	Kattwinkle, Ex parte, 12 USPQ 11 (Bd. App. 1931) . . . . .	608.01(v)
Josserand, In re, 188 F.2d 486, 89 USPQ 371 (CCPA 1951) . . . . .	2133.03(e)(1)	Katz, In re, 467 F.2d 939, 167 USPQ 487 (CCPA 1970) . . . . .	706.03(w)
Jovanovics, Ex parte, 211 USPQ 907 (Bd. Pat. App. & Inter. 1981) . . . . .	2107.03	Katz, In re, 687 F.2d 450, 215 USPQ 14 (CCPA 1982) . . . . .	715.01(c), 716.10, 804, 2132, 2132.01, 2133, 2136.05, 2137, 2138.02
Joy Mfg. Co. v. National Mine Service Co., 810 F.2d 1127, 1 USPQ2d 1627 (Fed. Cir. 1987) . . . . .	2246, 2646	Kaufman Co. v. Lantech, Inc., 807 F.2d 970, 1 USPQ2d 1202 (Fed. Cir. 1986) . . . . .	2293, 2693
Joy Technologies Inc. v. Manbeck, 751 F. Supp 225, 17 USPQ2d 1257 (D.D.C. 1990) . . . . .	716.03(a)	Kawai v. Metlesics, 480 F.2d 880, 178 USPQ 158 (CCPA 1973) . . . . .	2107.02, 2138, 2138.05, 2163.03
J. P. Stevens & Co. v. Lex Tex Ltd., 747 F.2d 1553, 223 USPQ 1089 (Fed. Cir. 1984) . . . . .	2016	Keil, In re, 808 F.2d 830, 1 USPQ2d 1427 (Fed. Cir. 1987) . . . . .	1449.02

MANUAL OF PATENT EXAMINING PROCEDURE

Keizer v. Bradley, 270 F.2d 396, 123 USPQ 215 (CCPA 1959) . . . . .	2138.06	King Instrument Corp. v. Otari Corp., 767 F.2d 853, 226 USPQ 402 (Fed. Cir. 1985) . . . . .	2133.03(a), 2138.05
Keller, In re, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) . . . . .	707.07(f), 2145	King, In re, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir.1986) . . . . .	1206, 2112.02, 2131.01
Kellogg Switchboard & Supply Co., The, In re, 1906 C.D. 274 (Comm’r Pat. 1906) . . . . .	106	Kirk, In re, 376 F.2d 936, 153 USPQ 48 (CCPA 1967) . . . . .	2107.01, 2107.02
Kelly, In re, 200 USPQ 560 (Comm’r Pat. 1978) . . . . .	1504.05	Kirsch, In re, 498 F.2d 1389, 182 USPQ 286 (CCPA 1974) . . . . .	2173.05(c)
Kelly, In re, 305 F.2d 909, 134 USPQ 397 (CCPA 1962) . . . . .	2173.05(o)	Kistler v. Weber, 412 F.2d 280, 162 USPQ 214 (CCPA 1969) . . . . .	2305
Kemco Sales Inc. v. Control Papers Co., 208 F.3d 1352, 54 USPQ2d 1308 (Fed. Cir. 2000) . . . . .	2106, 2183, 2184	Klein, In re, 5 USPQ 259, 1930 C.D. 2, 393 O.G. 519 (Comm’r Pat. 1930) . . . . .	201.08
Kendall v. Searles, 173 F.2d 986, 81 USPQ 363 (CCPA 1949) . . . . .	2138.06	Klopfenstein, In re, 380 F.3d 1345, 72 USPQ2d 1117 (Fed. Cir. 2004) . . . . .	2128.01
Kerkhoven, In re, 626 F.2d 846, 205 USPQ 1069 (CCPA 1980) . . . . .	2144.06	Kluis, Ex parte, 70 USPQ 165 (Bd. App. 1945) . . . . .	1604
Key Mfg. Group Inc. v. Microdot, Inc., 679 F. Supp. 648, 4 USPQ2d 1687 (E.D. Mich. 1987) . . . . .	2293, 2693	Klumb, Ex parte, 159 USPQ 694 (Bd. App. 1967) . . . . .	706.03(d), 2181
Keyes, Ex parte, 214 USPQ 579 (Bd. App. 1982) . . . . .	716.01(c)	Knapp v. Anderson, 477 F.2d 588, 177 USPQ 688 (CCPA 1973) . . . . .	2107.01
Keystone Driller Co. v. Gen’l Excavator Co., 290 U.S. 240, 19 USPQ 228 (1933) . . . . .	2012	Knapp Monarch Co., In re, 296 F.2d 230, 132 USPQ 6 (CCPA 1961) . . . . .	2144.03
KeyStone Retaining Wall Systems Inc. v. Westrock Inc., 997 F.2d 1444, 27 USPQ2d 1297 (Fed. Cir. 1993) . . . . .	1504.05	Knell v. Muller, 174 USPQ 460 (Comm’r Pat. 1971) . . . . .	804.02
Khusid, Ex parte, 174 USPQ 59 (Bd. App. 1971) . . . . .	2173.05(c)	Knight, In re, 217 USPQ 294 (Comm’r Pat. 1982) . . . . .	2225, 2258, 2625, 2658
Kilbey v. Thiele, 199 USPQ 290 (Bd. Pat. Inter. 1978) . . . . .	2137	Knohl, In re, 386 F.2d 476, 155 USPQ 586 (CCPA 1967) . . . . .	804.02
Killian v. Watson, 121 USPQ 507 (D.D.C. 1958) . . . . .	1216.02	Knowlton, In re, 481 F.2d 1357, 178 USPQ 486 (CCPA 1973) . . . . .	2164.06(c), 2181, 2185
Kim v. Quigg, 718 F. Supp. 1280, 12 USPQ2d 1604 (E.D. Va. 1989) . . . . .	711.03(c)	Knowlton, In re, 500 F.2d 266, 183 USPQ 33 (CCPA 1974) . . . . .	2164.06(c)
Kimbell, Ex parte, 226 USPQ 688 (Bd. App. 1985) . . . . .	2258	Kochan, Ex parte, 131 USPQ 204 (Bd. App. 1961) . . . . .	2173.05(n)
Kimberly-Clark v. Johnson & Johnson, 745 F.2d 1437, 223 USPQ 603 (Fed. Cir. 1984) . . . . .	2138	Kohler, Ex parte, 1905 C.D. 192., 116 O.G. 1185 (Comm’r Pat. 1905) . . . . .	1503.02, 1504.04
Kimberly-Clark Corp. v. Procter & Gamble Distrib. Co., 973 F.2d 911, 23 USPQ2d 1921 (Fed. Cir. 1992) . . . . .	605.07, 2137.01	Kollar, In re, 286 F.3d 1326, 62 USPQ2d 1425 (Fed. Cir. 2002) . . . . .	2133.03(b)
Kimura, Ex parte, 55 USPQ2d 1537 (Bd. Pat. App. & Inter. 2000) . . . . .	2308.03	Koller, In re, 613 F.2d 819, 204 USPQ 702 (CCPA 1980) . . . . .	2124, 2163
		Kollman, In re, 595 F.2d 48, 201 USPQ 193 (CCPA 1979) . . . . .	716.02(d)
		Kondo v. Martel, 220 USPQ 47 (Bd. Pat. Inter. 1983) . . . . .	2138.02

LIST OF DECISIONS CITED

Komenak, Ex parte, 45 USPQ 186, 1940 C.D. 1, 512 O.G. 739 (Comm'r Pat. 1940) . . . . .	201.09	Lalu, In re, 747 F.2d 703, 223 USPQ 1257 (Fed. Cir. 1984) . . . . .	2144.09
Kotler, Ex parte, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901) . . . . .	608.01(o)	Lamb, In re, 286 F.2d 610, 128 USPQ 539 (CCPA 1961) . . . . .	1504.03
Krahn v. Commissioner, 15 USPQ2d 1823 (E.D. Va. 1990) . . . . .	711.03(c)	Lamberti, In re, 545 F.2d 747, 192 USPQ 278 (CCPA 1976) . . . . .	2144.01
Krepelka, Ex parte, 231 USPQ 746 (Bd. Pat. App. & Inter. 1986) . . . . .	2107.03	Lambrech, In re, 202 USPQ 620 (Comm'r Pat. 1976) . . . . .	1481.03
Krimmel, In re, 292 F.2d 948, 130 USPQ 215 (CCPA 1961) . . . . .	2107.02, 2107.03	Lampi Corp. v. American Power Products Inc., 228 F.3d 1365, 56 USPQ2d 1445 (Fed. Cir. 2000) . . . . .	2111.03
Kristensen, Ex parte, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989) . . . . .	2173.05(b), 2173.05(o)	Lancaster, Ex parte, 151 USPQ 713, 1966 C.D. 20, 833 O.G. 8 (Bd. App. 1965) . . . . .	1504.02
Kroekel, In re, 504 F.2d 1143, 183 USPQ 610 (CCPA 1974) . . . . .	2173.05(c)	Land, In re, 368 F.2d 866, 151 USPQ 621 (CCPA 1966) . . . . .	2136.04, 2136.05
Kroekel, In re, 803 F.2d 705, 231 USPQ 640 (Fed. Cir. 1986) . . . . .	715	Lander, Ex parte, 223 USPQ 687 (Bd. App. 1983) . . . . .	1504.02
Kroger, Ex parte, 218 USPQ 370 (Bd. App. 1982) . . . . .	716.10, 2132.01	Lange v. Comm'r, 352 F. Supp 166, 176 USPQ 162 (D. D.C. 1972) . . . . .	1701.01
Kronig, In re, 539 F.2d 1300, 190 USPQ 425 (CCPA 1976) . . . . .	1207.03	Langer, In re, 465 F.2d 896, 175 USPQ 169 (CCPA 1972) . . . . .	2144.09
Kropa v. Robie, 187 F.2d 150, 88 USPQ 478 (CCPA 1951) . . . . .	707.07(f), 2111.02	Langer, In re, 503 F.2d 1380, 183 USPQ 288 (CCPA 1974) . . . . .	2107.02, 2107.03, 2124
KSR International Co. v. Teleflex Inc., 550 USPQ2d 1385 (2007) . . . . .	2141 to 2145, 2216, 2242, 2286, 2616, 2642, 2686.04	Langer v. Kaufman, 465 F.2d 915, 175 USPQ 172 (CCPA 1972) . . . . .	2138.04
Kubin, Ex parte, 83 USPQ2d 1410 (Bd. Pat. App. & Int. 2007) . . . . .	2143.01	Lanham, In re, 1 USPQ2d 1877 (Comm'r Pat. 1986) . . . . .	2258
Kuehl, In re, 425 F.2d 658, 177 USPQ 250 (CCPA 1973) . . . . .	2116.01	Lantech Inc. v. Kaufman Co. of Ohio, Inc., 878 F.2d 1446, 12 USPQ2d 1076 (Fed. Cir. 1989) . . . . .	2145
Kuhle, In re, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) . . . . .	2144.04	Lapworth, In re, 451 F.2d 1094, 172 USPQ 129 (CCPA 1971) . . . . .	1504
Kuklo, Ex parte, 25 USPQ2d 1387 (Bd. Pat. App. & Inter. 1992) . . . . .	2133.03(a)	Larson, In re, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) . . . . .	2144.04
Kulling, In re, 897 F.2d 1147, 14 USPQ2d 1056 (Fed. Cir. 1990) . . . . .	2144.05, 2145	Larson v. Classic Corp., 683 F. Supp. 1202, 7 USPQ2d 1747 (N.D. Ill. 1988) . . . . .	1504.01(c)
Kusko, Ex parte, 215 USPQ 972 (Bd. App. 1981) . . . . .	2137, 2138.01	Lasscell, Ex parte, 1884 C.D. 66, 29 O.G. 861 (Comm'r Pat. 1884) . . . . .	711.01
LaBounty Mfg. Inc. v. United States Int'l Trade Comm'n, 958 F.2d 1066, 22 USPQ2d 1025 (Fed. Cir. 1992) . . . . .	2004, 2133.03, 2133.03(e), 2133.03(e)(2)	Lawrence, Ex parte, 70 USPQ 326, 1946 C.D. 1 (Comm'r Pat. 1946) . . . . .	1457, 1509
Lafferty, Ex parte, 190 USPQ 202 (Bd. App. 1975) . . . . .	1403	Leapfrog Enterprises, Inc. v. Fischer Price, Inc., 485 F.3d 1157, 82 USPQ2d 1687 (Fed. Cir. 2007) . . . . .	2143.01
L.A. Gear, Inc. v. Thom McAn Shoe Co., 988 F.2d 1117, 25 USPQ2d 1913 (Fed. Cir. 1993) . . . . .	1504.01(c)	Lee, Ex parte, 31 USPQ2d 1105 (Bd. Pat. App. & Inter. 1993) . . . . .	706.02(m), 2131.03
		Lee Pharmaceutical v. Kreps, 577 F.2d 610, 198 USPQ 601 (9th Cir. 1978) . . . . .	2127

MANUAL OF PATENT EXAMINING PROCEDURE

Lee v. Dayton-Hudson Corp., 838 F.2d 1186, 5 USPQ2d 1625 (Fed. Cir. 1988) . . . . .	1504	Lintner, In re, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972) . . . . .	2142, 2143.01, 2144, 2144.08, 2145
Lee, In re, 199 USPQ 108 (Comm’r Pat. 1978) . . . . .	803	Litchfield v. Eigen, 535 F.2d 72, 190 USPQ 113 (CCPA 1976) . . . . .	2138.06
Leggett v. Avery, 101 U.S. 256 (1879) . . . . .	1490	Litton Systems, Inc. v. Whirlpool Corp., 728 F.2d 1423, 221 USPQ 97 (Fed. Cir. 1984) . . . . .	601.01(e), 716.03(b), 1504.03
LeGrice, In re, 301 F.2d 929, 133 USPQ 365 (CCPA 1962) . . . . .	2121.03	Lizard Tech, Inc. v. Earth Resource Mapping, Inc., 424 F.3d 1336, 76 USPQ2d 1724 (Fed. Cir. 2005) . . . . .	2163
Lemelson, In re, 397 F.2d 1006, 158 USPQ 275 (CCPA 1968) . . . . .	2123	Ljungstrom, Ex parte, 1905 C.D. 541, 119 O.G. 2335 (Comm’r Pat. 1905) . . . . .	814
Lemieux, Ex parte, 115 USPQ 148, 1957 C.D. 47, 725 O.G. 4 (Bd. App. 1957) . . . . .	715.01(c)	Lockheed Aircraft Corporation v. United States, 193 USPQ 449 (Ct. Cl. 1977) . . . . .	2183, 2184
Lemoine, Ex parte, 46 USPQ2d 1420 (Bd. Pat. App. & Inter. 1994) . . . . .	1204	Lockwood v. American Airlines, Inc., 107 F.3d 1505, 41 USPQ2d 1961 (Fed. Cir. 1997) . . . . .	2133.03(a), 2163, 2163.02
Leonard, Ex parte, 187 USPQ 122 (Bd. App. 1974) . . . . .	2116	Loffland Bros. Co. v. Mid-Western Energy Corp., 225 USPQ 886 (W.D. Okla. 1985) . . . . .	2286, 2686.04
Le Roy v. Tatham, 55 U.S. (14 How.) 156 (1852) . . . . .	2106	Lohman, Ex parte, 1912 C.D. 336, 184 O.G. 287 (Comm’r Pat. 1912) . . . . .	1503.02
Leshin, In re, 227 F.2d 197, 125 USPQ 416 (CCPA 1960) . . . . .	2144.07	Lonardo, In re, 119 F.3d 960, 43 USPQ2d 1262 (Fed. Cir. 1997) . . . . .	804, 2217, 2258, 2617
Leslie, In re, 547 F.2d 116, 192 USPQ 427 (CCPA 1977) . . . . .	1503.01, 1504.03	Longi, In re, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985) . . . . .	804
Levengood, Ex parte, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) . . . . .	2143.01, 2144	Lopresti, In re, 333 F.2d 932, 142 USPQ 177 (CCPA 1964) . . . . .	715
Levy, Ex parte, 17 USPQ2d 1461 (Bd. Pat. App. & Inter. 1990) . . . . .	2112	Lorenz v. Finkl, 333 F.2d 885, 142 USPQ 26 (CCPA 1964) . . . . .	711.03(c)
Liebel-Flarsheim Co. v. Medrad Inc., 358 F.3d 898, 69 USPQ2d 1801 (Fed. Cir. 2004) . . . . .	2111.01	Lowry, In re, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) . . . . .	2106.01
Lincoln Engineering Co. v. Stewart- Warner Corp., 303 U.S. 545, 37 USPQ 1 (1938) . . . . .	2173.05(j)	Luck, In re, 476 F.2d 650, 177 USPQ 523 (CCPA 1973) . . . . .	2173.05(o)
Lindberg, In re, 194 F.2d 732, 93 USPQ 23 (CCPA 1952) . . . . .	2144.04	Ludtke, In re, 441 F.2d 660, 169 USPQ 563 (CCPA 1971) . . . . .	2112.01
Lindell, In re, 385 F.2d 453, 155 USPQ 521 (CCPA 1967) . . . . .	716.01(c)	Lukach, In re, 442 F.2d 967, 169 USPQ 795 (CCPA 1971) . . . . .	201.11, 2163, 2163.05
Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984) . . . . .	716.03, 2164.01, 2164.05(a)	Lumenyte Int’l Corp. v. Cable Lite Corp., 92 F.3d 1206 (Fed. Cir. 1996) (table) . . . . .	711.03(c)
Lindner, In re, 457 F.2d 506, 173 USPQ 356 (CCPA 1972) . . . . .	716.01(c), 716.02(d), 2145	Lund, In re, 376 F.2d 982, 153 USPQ 625 (CCPA 1967) . . . . .	901.01, 901.02, 2127, 2136.02
Linear Tech. Corp. v. Micrel, Inc., 275 F.3d 1040, 61 USPQ2d 1225 (Fed. Cir. 2001) . . . . .	2133.03(b)	Lundak, In re, 773 F.2d 1216, 227 USPQ 90 (Fed. Cir. 1985) . . . . .	2163, 2164.06, 2164.06(a), 2406.01
Links, Ex parte, 184 USPQ 429 (Bd. App. 1974) . . . . .	901.05(b), 2135.01		

LIST OF DECISIONS CITED

Lutzker v. Plet, 843 F.2d 1364, 6 USPQ2d 1370 (Fed. Cir. 1988) . . . . .	2138.03	Marosi, In re, 710 F.2d 799, 218 USPQ 289 (Fed. Cir. 1983) . . . . .	706.02(m), 2111.01, 2113, 2173.05(b)
Lyell, Ex parte, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990) . . . . .	2173.05(p)	Mars Inc. v. H.J. Heinz Co., 377 F.3d 1369, 71 USPQ2d 1837 (Fed. Cir. 2004). . . . .	2111.03
Maas, Ex parte, 9 USPQ2d 1746 (Bd. Pat. App. & Inter. 1987) . . . . .	2107.03	Marsh Eng'g Co., In re, 1913 C.D. 183 (Comm'r Pat. 1913) . . . . .	103
Mackay Radio & Telegraph Co. v. Radio Corp. of America, 306 U.S. 86, 40 USPQ 199 (1939). . . . .	2106	Martin, In re, 154 F.2d 126, 69 USPQ 75 (CCPA 1946). . . . .	1211.03
MacKay v. Quigg, 641 F. Supp 567, 231 USPQ 90 (D.D.C. 1986) . . . . .	1216.02	Martin v. Johnson, 454 F.2d 746, 172 USPQ 391 (CCPA 1972) . . . . .	2163, 2173.05(t)
MacMillan v. Moffett, 432 F.2d 1237, 167 USPQ 550 (CCPA 1970) . . . . .	2138.04	Martin v. Mayer, 823 F.2d 500, 3 USPQ2d 1333 (Fed. Cir. 1987) . . . . .	2163
Mageli, In re, 470 F.2d 1380, 176 USPQ 305 (CCPA 1973) . . . . .	716.03(b)	Marzocchi, In re, 439 F.2d 220, 169 USPQ 367 (CCPA 1971) . . . . .	2107.01, 2107.02, 2124, 2163, 2163.04, 2164.03, 2164.04, 2164.08
Magerlein, In re, 602 F.2d 366, 202 USPQ 473 (CCPA 1979) . . . . .	716.02(b)	Masco Corp. v. United States, 303 F.3d 1316, 64 USPQ2d 1182 (Fed. Cir. 2002). . . . .	2181
Magnetics v. Arnold Eng'g Co., 438 F.2d 72, 168 USPQ 392 (7th Cir. 1971) . . . . .	2133.03(e)(7)	Masham, Ex parte, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) . . . . .	2114
Mahurkar v. C.R. Bard, Inc., 79 F.3d 1572, 38 USPQ2d 1288 (Fed. Cir. 1996) . . . . .	2163	Mas-Hamilton Group v. LaGard, Inc., 156 F.3d 1206, 48 USPQ2d 1010 (Fed. Cir. 1998) . . . . .	2181
Malachowski, In re, 530 F.2d 1402, 189 USPQ 432 (CCPA 1976) . . . . .	2107.02, 2107.03	Massachusetts Institute of Technology v. A.B. Fortia, 774 F.2d 1104, 227 USPQ 428 (Fed. Cir. 1985) . . . . .	2128.01, 2164.01
Maldague, In re, 10 USPQ2d 1477 (Comm'r Pat. 1988) . . . . .	711.03(c)	Mathews, In re, 408 F.2d 1393, 161 USPQ 276 (CCPA 1969). . . . .	715.01(c), 2136.04, 2136.05
Mancy, In re, 499 F.2d 1289, 182 USPQ 303 (CCPA 1974) . . . . .	2116.01	Mattison, In re, 509 F.2d 563, 184 USPQ 484 (CCPA 1975) . . . . .	2173.05(c)
Mann, In re, 861 F.2d 1581, 8 USPQ2d 2030 (Fed. Cir. 1988) . . . . .	1504.02, 1504.04, 2133.03(e)(6)	Mattor v. Coolegem, 530 F.2d 1391, 189 USPQ 201 (CCPA 1976) . . . . .	2137.01
Mannesmann Demag Corp. v. Engineered Metal Products Co., 793 F.2d 1279, 230 USPQ 45 (Fed. Cir. 1986). . . . .	2111.03	Mattson, In re, 208 USPQ 168 (Comm'r Pat. 1980) . . . . .	601.01(e)
Mantell, In re, 454 F.2d 1398, 172 USPQ 530 (CCPA 1972) . . . . .	715.03	Mattullath, In re, 38 App. D.C. 497 (1912) . . . . .	711.03(c), 2734
Manville Sales Corp. v. Paramount Sys., Inc., 917 F.2d 544, 16 USPQ2d 1587 (Fed. Cir. 1990). . . . .	2133.03, 2133.03(a)	Maucorps, In re, 609 F.2d 481, 203 USPQ 812 (CCPA 1979). . . . .	2184
Margolis, In re, 785 F.2d 1029, 228 USPQ 940 (Fed. Cir. 1986) . . . . .	716.01(a)	May, In re, 574 F.2d 1082, 197 USPQ 601 (CCPA 1978). . . . .	716.02(c), 2112.02, 2144.08, 2144.09
Margolis v. Banner, 599 F.2d 435, 202 USPQ 365 (CCPA 1979) . . . . .	804.03	Mayewsky, In re, 860 F.2d 430, 162 USPQ 86 (E.D. Va. 1969) . . . . .	1701.01
Marinissen, Ex parte, 155 USPQ 528, 842 O.G. 528 (Bd. App. 1966) . . . . .	1504.02	Mayhew, In re, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976) . . . . .	2163, 2163.05, 2164.08(c), 2172.01, 2174
Markush, Ex parte, 1925 C.D. 126, 340 O.G. 839 (Comm'r Pat. 1924). . . . .	803.02, 2173.05(h)		

MANUAL OF PATENT EXAMINING PROCEDURE

Mayne, In re, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1977) . . . . .	2144.09, 2145	Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir. 1989) . . . . .	716.02(a), 2123, 2144.05, 2144.08
Mazer v. Stein, 347 U.S. 201, 100 USPQ 325 (1954) . . . . .	1512	Merck & Co., Inc., In re, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) . . . . .	707.07(f), 716.02, 2143.02, 2144.08, 2144.09, 2145
Maziere, Ex parte, 27 USPQ2d 1705 (Bd. Pat. App. & Inter. 1993) . . . . .	608.01(p)	Merck & Co., Inc. v. Chase Chem. Co., 273 F. Supp 68, 155 USPQ 139 (D.N.J. 1967) . . . . .	2402
McCormick, Ex parte, 1904 C.D. 575 113 O.G. 2508 (Assist. Comm'r 1924) . . . . .	709.01	Merck & Co. v. Kessler, 80 F.3d 1543, 38 USPQ2d 1347 (Fed. Cir. 1996) . . . . .	2758
McCulloch Gas Processing Co. v. Dept. of Energy, 650 F.2d 1216 (Temp. Emer. Ct. App. 1981) . . . . .	1701.01	Merck & Co., Inc., v. Teva Pharms. USA, Inc., 395 F.3d 1364, 73 USPQ2d 1641 (Fed. Cir. 2005) . . . . .	2111.01
McCullough, Ex parte, 7 USPQ2d 1889 (Bd. Pat. App. & Inter. 1987) . . . . .	2145	Mergenthaler v. Scudder, 11 App. D.C., 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897) . . . . .	706.02(l)(2), 715, 715.07
McGaughey, Ex parte, 6 USPQ2d 1334 (Bd. Pat. App. & Inter. 1988) . . . . .	2217, 2258, 2617	Merz, Ex parte, 75 USPQ 296 (Bd. App. 1947) . . . . .	715, 715.07(a)
McGrady v. Aspenglas Corp., 487 F. Supp 859, 208 USPQ 242 (S.D. N.Y. 1981) . . . . .	1503.01, 1504.01(a)	Messick, Ex parte, 7 USPQ 57, 1930 C.D. 6, 400 O.G. 3 (Comm'r Pat.1930) . . . . .	710.01(a)
McGrew, In re, 120 F.3d 1236, 43 USPQ2d 1632 (Fed. Cir. 1997) . . . . .	715.05, 2304.02(c)	Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings, 370 F.3d 1354, 71 USPQ2d 1081 (Fed. Cir. 2004) . . . . .	2111.02, 2112, 2173.02
McKellin, In re, 529 F.2d 1342, 188 USPQ 428 (CCPA 1976) . . . . .	715	Metcalf, In re, 410 F.2d 1378, 161 USPQ 789 (CCPA 1969) . . . . .	608.01(v), 2404.01
McKenna, In re, 203 F.2d 717, 97 USPQ 348 (CCPA 1953) . . . . .	716.01(c)	Metropolitan Eng. Co. v. Coe, 78 F.2d 199, 25 USPQ 216 (D.C. Cir. 1935) . . . . .	716.07
McLaughlin, In re, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) . . . . .	707.07(f), 2145	Metz, In re, 173 F.3d 433 (Fed. Cir. 1998) (table) . . . . .	1449.02
Mead, In re, 581 F.2d 251, 198 USPQ 412 (CCPA 1978) . . . . .	1412.01	Meyer, Ex parte, 6 USPQ2d 1966 (Bd. Pat. App. & Inter. 1988) . . . . .	2145
Mead Johnson & Co., Ex parte, 227 USPQ 78 (Bd. Pat. App. & Inter. 1985) . . . . .	716.02(a)	Meyer, In re, 599 F.2d 1026, 202 USPQ 175 (CCPA 1979) . . . . .	2131.02
Mead Johnson Pharmaceutical Group v. Bowen, 838 F.2d 1332, 6 USPQ2d 1565 (DC Cir. 1988) . . . . .	2754.01	Meyer, In re, 688 F.2d 789, 215 USPQ 193 (CCPA 1982) . . . . .	2184
Medical Instrumentation and Diagnostics Corp. v. Elekta AB, 344 F.3d 1205, 68 USPQ2d 1263 (Fed. Cir. 2003) . . . . .	2181, 2182	Michalek, In re, 162 F.2d 229, 74 USPQ 107 (CCPA 1947) . . . . .	716.07
Medtronic, Inc. v. Cardiac Pacemakers, 721 F.2d 1563, 220 USPQ 97 (Fed. Cir. 1983) . . . . .	2141.01(a)	Micro Chemical, Inc. v. Great Plains Chemical Co., 103 F.3d 1538, 41 USPQ2d 1238 (Fed. Cir. 1997) . . . . .	2133.03(b)
Meitzner v. Corte, 537 F.2d 524, 190 USPQ 407 (CCPA 1976) . . . . .	2138.05	Milburn v. Davis-Bournonville Co., 270 U.S. 390, 46 S. Ct. 324, 1926 C.D. 303, 344 O.G. 817 (1926) . . . . .	2136.04
Mendenhall v. Cedarapids, Inc., 5 F.3d 1557, 28 USPQ2d 1081 (Fed. Cir. 1993) . . . . .	201.11		
Mentor Corp. v. Coloplast, Inc., 998 F.2d 992, 27 USPQ2d 1521 (Fed. Cir. 1993) . . . . .	1412.02		
Merchant, In re, 575 F.2d 865, 197 USPQ 785 (CCPA 1978) . . . . .	716.02(e)		

LIST OF DECISIONS CITED

Miles Labs. Inc. v. Shandon Inc., 997 F.2d 870, 27 USPQ2d 1123 (Fed. Cir. 1993) . . . . .	716.01(a)	Monsanto Co. v. Kamp, 269 F. Supp 818, 154 USPQ 259 (D.D.C. 1967) . . . . .	605.07, 1216.02
Miller, In re, 418 F.2d 1392, 164 USPQ 46 (CCPA 1969) . . . . .	706.03(a)	Moore, In re, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971) . . . . .	1504.04, 2164.08, 2172
Miller, In re, 441 F.2d 689, 169 USPQ 597 (CCPA 1971) . . . . .	2173.04	Moore, In re, 444 F.2d 572, 170 USPQ 260 (CCPA 1971) . . . . .	715.07
Miller v. Eagle Mfg. Co., 151 U.S. 186 (1894) . . . . .	804	Moore v. U.S., 194 USPQ 423 (Ct. Cl. 1977). . . . .	2134
Mills, In re, 281 F.2d 218, 126 USPQ 513 (CCPA 1960). . . . .	2144.09	Morehouse, In re, 545 F.2d 162, 192 USPQ 29 (CCPA 1976) . . . . .	2164.06(c)
Mills, In re, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) . . . . .	2144.08	Moreton, In re, 288 F.2d 708, 129 USPQ 227 (CCPA 1961) . . . . .	2121
Mills, In re, 12 USPQ2d 1847 (Comm’r Pat. 1989) . . . . .	711.03(c)	Morgan, In re, 990 F.2d 1230, 26 USPQ2d 1392 (Fed. Cir. 1993) . . . . .	1415.01, 1443
Milton, Ex parte, 63 USPQ 132 (P.O. Super. Exam. 1938) . . . . .	710.04(a)	Morris, In re, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997) . . . . .	904.01, 2106, 2111, 2163, 2173.05(a), 2181
Mineral Separation v. Hyde, 242 U.S. 261 (1916) . . . . .	2164.01	Morse v. Porter, 155 USPQ 280 (Bd. Pat. Inter. 1965). . . . .	2137.01, 2138.04
Minton v. Natl. Ass’n. of Securities Dealers, 336 F.3d 1373, 67 USPQ2d 1614 (Fed. Cir. 2003) . . . . .	2111.04, 2133.03(c)	Morton, Ex parte, 134 USPQ 407 (Bd. App. 1961). . . . .	2173.05(t)
Mlot-Fijalkowski, In re, 676 F.2d 666, 213 USPQ 713 (CCPA 1982) . . . . .	2141.01(a)	Morton Int’l, Inc. v. Cardinal Chem. Co., 5 F.3d 1464, 28 USPQ2d 1190 (Fed. Cir. 1993). . . . .	2173.02
Moba, B. V. v. Diamond Automation, Inc., 325 F.3d 1306, 66 USPQ2d 1429 (Fed. Cir. 2003). . . . .	2163	Morway v. Bondi, 203 F.2d 742, 97 USPQ 318 (CCPA 1953) . . . . .	2138.06
Mochel, In re, 470 F.2d 638, 176 USPQ 194 (CCPA 1974) . . . . .	2173.05(c)	Mosher, In re, 248 F.2d 956, 115 USPQ 140 (CCPA 1957) . . . . .	1216.01
Mogen David Wine Corp., In re, 328 F.2d 925, 140 USPQ 575 (CCPA 1964) . . . . .	1512	Mott, In re, 539 F.2d 1291, 190 USPQ 536 (CCPA 1976) . . . . .	804, 2181
Moleculon Research Corp. v. CBS, Inc., 793 F.2d 1261, 229 USPQ 805 (Fed. Cir. 1986). . . . .	2111.03, 2133.03(a), 2133.03(b)	Mowry, Ex parte, 91 USPQ 219 (Bd. App. 1950). . . . .	2144.09
Moler v. Purdy, 131 USPQ 276 (Bd. Pat. Inter. 1960). . . . .	2137.01	Mowry v. Whitney, 81 U.S. (14 Wall.) 620 (1871). . . . .	2164.07
Molins, In re, 368 F.2d 258, 151 USPQ 570 (CCPA 1996) . . . . .	1449.02	Mraz, In re, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). . . . .	2125
Molins PLC v. Textron Inc., 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995) . . . . .	2004	MSM Investments Co. v. Carolwood Corp., 259 F.3d 1335, 59 USPQ2d 1856 (Fed. Cir. 2001) . . . . .	2111.01
Monaco v. Watson, 270 F.2d 335, 122 USPQ 564 (D.C. Cir. 1959) . . . . .	2358	Mulder, In re, 716 F.2d 1542, 219 USPQ 189 (Fed. Cir. 1983) . . . . .	2138.06, 2183, 2184
Monks, In re, 588 F.2d 308, 200 USPQ 129 (CCPA 1978) . . . . .	901.05, 901.05(b), 1504, 2126.01, 2135.01	Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 45 USPQ2d 1429 (Fed. Cir. 1998) . . . . .	2106, 2111.01
Monogram Mfg. v. F & H Mfg., 62 USPQ 409 (9th Cir. 1944) . . . . .	2133.03(e)(1)	Multiple Litigation Involving Frost Patent, In re, 540 F.2d 601, 185 USPQ 729 (3d Cir. 1976) . . . . .	2016

MANUAL OF PATENT EXAMINING PROCEDURE

Murray, Ex parte, 1891 Dec. Comm'r Pat. 130 (1891) . . . . .	711.03(c)	Nitto Chemical Indus. Co. v. Comer, 39 USPQ2d 1778 (D.D.C. 1994) . . . . .	513
Naber v. Cricchi, 567 F.2d 382, 196 USPQ 294 (CCPA 1977) . . . . .	2138.06	Nitz v. Ehrenreich, 537 F.2d 539, 190 USPQ 413 (CCPA 1976) . . . . .	2301.03
Nalbandian, In re, 661 F.2d 1214, 211 USPQ 782 (CCPA 1981) . . . . .	1504.02, 1504.03	Noelle v. Lederman, 355 F.3d 1343, 69 USPQ2d 1508 (Fed. Cir. 2004) . . . . .	2163
Napier, In re, 55 F.3d 610, 34 USPQ2d 1782 (Fed. Cir. 1995) . . . . .	2112	Nolan, In re, 553 F.2d 1261, 193 USPQ 641 (CCPA 1977) . . . . .	716.02(b), 716.02(c)
Naquin, In re, 398 F.2d 863, 158 USPQ 317 (CCPA 1968) . . . . .	2164.05(b), 2164.06(c)	Nolden, Ex parte, 149 USPQ 378 (Bd. Pat. App. 1965) . . . . .	2172.01
Nehrenberg, In re, 280 F.2d 161, 126 USPQ 383 (CCPA 1960) . . . . .	2173.05(b)	Noll, In re, 545 F.2d 141, 191 USPQ 721 (CCPA 1976) . . . . .	2163, 2181, 2182, 2184
Nelson, In re, 280 F.2d 172, 126 USPQ 242 (CCPA 1960) . . . . .	2165	Nomiya, In re, 509 F.2d 566, 184 USPQ 607 (CCPA 1975) . . . . .	2129, 2258
Nelson, In re, 420 F.2d 1079, 164 USPQ 458 (CCPA 1970) . . . . .	715.07(a)	NOMOS Corp. v. BrainLAB USA Inc., 357 F.3d 1364, 69 USPQ2d 1853 ( Fed. Cir. 2004) . . . . .	2184
Nelson v. Bowler, 212 USPQ 760 (Comm'r Pat. 1981) . . . . .	2361	Norco Products, Inc. v. Mecca Development, Inc., 617 F. Supp 1079, 227 USPQ 724 (D. Conn. 1985) . . . . .	1504.01(c)
Nelson v. Bowler, 626 F.2d 853, 206 USPQ 881 (CCPA 1980) . . . . .	2107.01, 2107.02, 2107.03, 2138.05	Nordberg, Inc. v. Telsmith, Inc., 82 F.3d 394, 38 USPQ2d 1593 (Fed. Cir. 1996) . . . . .	410
New England Braiding Co. v. A.W. Chesterton Co., 970 F.2d 878, 23 USPQ2d 1622 (Fed. Cir. 1992) . . . . .	2137.01	Norian Corp. v. Stryker Corp., 363 F.3d 1321, 70 USPQ2d 1508 (Fed. Cir. 2004) . . . . .	2111.03
New Idea Farm Equip. Corp. v. Sperry Corp., 916 F.2d 1561, 16 USPQ2d 1424 (Fed. Cir. 1990) . . . . .	2138	Norlund, Ex parte, 1913 C.D. 161, 192 O.G. 989 (Comm'r Pat. 1913) . . . . .	1213.01, 2681
New Railhead Mfg., L.L.C. v. Vermeer Mfg. Co., 298 F.3d 1290, 63 USPQ2d 1843 (Fed. Cir. 2002) . . . . .	201.11, 2163	North American Container, Inc. v. Plastipak Packaging, Inc., 415 F.3d 1335, 75 USPQ2d 1545 (Fed. Cir. 2005) . . . . .	1412.02
Newell Cos. v. Kenney Mfg. Co., 864 F.2d 757, 9 USPQ2d 1417 (Fed. Cir. 1988) . . . . .	716.01(d), 716.04	Northam Warren Corp. v. D. F. Newfield Co., 7 F. Supp 773, 22 USPQ 313 (E.D.N.Y. 1934) . . . . .	2112.01
Newkirk v. Lulejian, 825 F.2d 1581, 3 USPQ2d 1793 (Fed. Cir. 1987) . . . . .	715.07	Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990) . . . . .	2128.01
Newman v. Quigg, 877 F.2d 1575, 11 USPQ2d 1340 (Fed. Cir. 1989) . . . . .	2107.01	Northern Telecom Ltd. v. Samsung Electronics Co., 215 F.3d 1281, 55 USPQ2d 1065 (Fed. Cir. 2000) . . . . .	2165.01
Newton, In re, 414 F.2d 1400, 163 USPQ 34 (CCPA 1969) . . . . .	2161, 2165.02	Norton v. Curtiss, 433 F.2d 779, 167 USPQ 532 (CCPA 1970) . . . . .	2012
Ngai, In re, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004) . . . . .	2106.01, 2112.01	Novak, In re, 306 F.2d 924, 134 USPQ 335 (CCPA 1962) . . . . .	2107.02, 2107.03
Nievelt, In re, 482 F.2d 965, 179 USPQ 224 (CCPA 1973) . . . . .	2145	Novitski, Ex parte, 26 USPQ2d 1389 (Bd. Pat. App. & Inter. 1993) . . . . .	2112.02
Nilssen, In re, 851 F.2d 1401, 7 USPQ2d 1500 (Fed. Cir. 1988) . . . . .	1701.01, 2143.01, 2144	Novo Industries L.P. v. Micro Molds Corp., 350 F.3d 1348, 69 USPQ2d 1128 (Fed. Cir. 2003) . . . . .	1481
Nitinol Medical Technologies Inc., In re, 17 USPQ2d 1492 (Comm'r Pat. & Tm. 1990) . . . . .	2751		

LIST OF DECISIONS CITED

Noznick, In re, 478 F.2d 1260, 178 USPQ 43 (CCPA 1973) . . . . .	716.03(b)	Opinion of Hon. Edward Bates, 10 Op. Atty. Gen. 137 (1861) . . . . .	605.04(a)
Nuitjen, In re, Docket No. 2006-1371 (Fed. Cir. Sept. 20, 2007) . . . . .	2106	Oppenauer, In re, 143 F.2d 974, 62 USPQ 297 (CCPA 1944) . . . . .	716.09
Obiaya, Ex parte, 227 USPQ 58 (Bd. Pat. App. & Inter. 1985) 707.07(f), 2145, 2258		O'Reilly v. Morse, 56 U.S. (15 How.) 62 (1854) . . . . .	706.03(a), 2106
Ochiai, In re, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) . . . . .	706.02(n), 2116.01,	Orita, In re, 550 F.2d 1277, 193 USPQ 145 (CCPA 1977) . . . . .	1412.01, 1457
Ockert, In re, 245 F.2d 467, 114 USPQ 330 (CCPA 1957) . . . . .	804	Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986) . . . . .	2173.02, 2173.05(b)
Oda, In re, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971). . . . .	2163, 2163.07	Ortho-McNeil Pharm., Inc. v. Caraco Pharm. Labs., Ltd., 476 F.3d 1321, 1326, 81 USPQ2d 1427, 1432 (Fed. Cir. 2007) . . . . .	2173.05(b)
OddzOn Products, Inc. v. Just Toys, Inc., 122 F.3d 1396, 43 USPQ2d 1641 (Fed. Cir. 1997). . . . .	706.02(l), 2004	Orthopedic Equip. Co., Inc. v. All Orthopedic Appliances, Inc., 707 F.2d 1376, 217 USPQ 1281 (Fed. Cir. 1983) . . . .	716.04
Odetics Inc. v. Storage Tech. Corp., 185 F.3d 1259, 51 USPQ2d 1225 (Fed. Cir. 1999) . . . . .	2183, 2184	Osmond, Ex parte, 191 USPQ 334 (Bd. App. 1973). . . . .	711.06(a), 2136
Oelrich, In re, 579 F.2d 86, 198 USPQ 210 (CCPA 1978) . . . . .	716.01(c), 2144.08	Osmond, Ex parte, 191 USPQ 340 (Bd. App. 1976). . . . .	711.06(a)
Oelrich, In re, 666 F.2d 578, 212 USPQ 323 (CCPA 1981) . . . . .	2112	Ott v. Goodpasture, 40 USPQ2d 1831 (D. N.Tex. 1996) . . . . .	410
Oetiker, Ex parte, 23 USPQ2d 1641 (Bd. Pat. App. & Inter. 1992) . . . . .	2173.05(b)	Otto, In re, 312 F.2d 937, 136 USPQ 458 (CCPA 1963). . . . .	2111.02, 2115
Oetiker, In re, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992) . . . . .	707.07(f), 716.01(d), 1504.01(a), 2106, 2107.02, 2142, 2145, 2164.07	Ovist, Ex parte, 152 USPQ 709 (Bd. App. 1963). . . . .	901.05, 2126.02
O'Farrell, In re, 853 F.2d 894, 7 USPQ2d 1673 (Fed. Cir. 1988) . . . . .	2143.01, 2143.02, 2144.08, 2145	Ovshinsky, Ex parte, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989) . . . . .	715.07
Oguie, In re, 517 F.2d 1382, 186 USPO 227 (CCPA 1975) . . . . .	706.03(u), 2304.04(b)	Pac-Tec Inc. v. Amerace Corp., 903 F.2d 796, 14 USPQ2d 1871 (Fed. Cir. 1990) . . . .	2111.02, 2163
Ohshiro, Ex parte, 14 USPQ2d 1750 (Bd. Pat. App. & Inter. 1989) . . . . .	2163.05	Palmer, In re, 451 F.2d 1100, 172 USPQ 126 (CCPA 1971) . . . . .	716.01(a)
O.I. Corp. v. Tekmar Corp., 115 F.3d 1576, 42 USPQ2d 1777 (Fed. Cir. 1997) . . . .	2181	Panagrossi, In re, 277 F.2d 181, 125 USPQ 410 (CCPA 1960) . . . . .	2174
Oka v. Youssefieh, 849 F.2d 581, 7 USPQ2d 1169 (Fed. Cir. 1988) . . . . .	2138.04	Pandrol USA, LP v. Airboss Railway Products, Inc., 320 F.3d 1654, 65 USPQ2d 1985, (Fed. Cir. 2003) . . . . .	1302.04
Okajima v. Bourdeau, 261 F.3d 1350, 59 USPQ2d 1795 (Fed. Cir. 2001) . . . . .	2141.03	Panduit Corp. v. Dennison Mfg. Co., 774 F.2d 1082, 227 USPQ 337 (Fed. Cir. 1985). . . . .	716.06, 1504.03, 2134
Okuzawa, In re, 537 F.2d 545, 190 USPQ 464 (CCPA 1976) . . . . .	2111.01	Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1 USPQ2d 1593 (Fed. Cir. 1987) . . . . .	2141.01, 2141.02, 2144.08
Olah, Ex parte, 131 USPQ 41 (Bd. App. 1960) . . . . .	201.13, 706.02(a), 901.05, 2133, 2135.01		
Onda, In re, 229 USPQ 235 (Comm'r Pat. 1985) . . . . .	706.02(l)(2), 2285, 2686.03		

MANUAL OF PATENT EXAMINING PROCEDURE

Pannu v. Storz Instruments Inc., 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001) . . .	1412.02	Penn Yan Boats, Inc. v. Sea Lark Boats Inc., 354 F. Supp 948, 175 USPQ 260 (S.D. Fla. 1972) . . . . .	2004
Pantzer, Ex parte, 176 USPQ 141 (Bd App. 1972) . . . . .	2173.05(o)	Pennwalt Corp. v. Akzona, Inc., 740 F.2d 1573, 222 USPQ 833 (Fed. Cir. 1984) . .	2133.03(e)
Paperless Accounting v. Bay Area Rapid Transit System, 804 F.2d 659, 231 USPQ 649 (Fed. Cir. 1986) . . . . .	2133.01	Pennwalt Corp. v. Durand-Wayland, Inc., 833 F.2d 931, 4 USPQ2d 1737 (Fed. Cir. 1987) . . . . .	2184
Papesch, In re, 315 F.2d 381, 137 USPQ 43 (CCPA 1963) . . . . .	716.02(a), 2141.02, 2144.08, 2144.09	Pentec, Inc. v. Graphic Controls Corp., 776 F.2d 309, 227 USPQ 766 (Fed. Cir. 1985) . . . . .	716.03(b), 716.06, 2141.01(a)
Pappas, Ex parte, 23 USPQ2d 1636 (Bd. Pat. App. & Inter. 1992) . . . . .	1503.01, 1504.04, 2141.01(a), 2173.05(b)	Personalized Media Communications LLC v. ITC, 161 F.3d 696, 48 USPQ2d 1880 (Fed. Cir. 1998) . . . . .	2181
Papst-Motoren, In re, 1 USPQ2d 1655 (Bd. Pat. App. & Inter. 1986) . . . . .	2258	Petering, In re, 301 F.2d 676, 133 USPQ 275 (CCPA 1962) . . . . .	2131.02, 2131.03, 2144.08
Paragon Podiatry Laboratory, Inc. v. KLM Labs., Inc., 984 F.2d 1182, 25 USPQ2d 1561 (Fed. Cir. 1993) . .	410, 2133.03(e)(2)	Peters, In re, 723 F.2d 891, 221 USPQ 952 (Fed. Cir. 1983) . . . . .	2163.05
Parker v. Flook, 437 U.S. 584, 198 USPQ 193 (1978) . . . . .	2106	Petersen v. Fee Int'l Ltd., 381 F. Supp 1071, 182 USPQ 264 (W.D. Okla. 1974) . . . . .	2134
Parker v. Frilette, 462 F.2d 544, 174 USPQ 321 (CCPA 1972) . . . . .	2138.05	Peterson, Ex parte, 49 USPQ 119, 1941 C.D. 8 (Comm'r Pat. 1941) . . . . .	710.02(b)
Parks, Ex parte, 30 USPQ2d 1234 (Bd. Pat. App. & Inter. 1993) . . . . .	2173.05(i)	Peterson, Ex parte, 63 USPQ 99 (Bd. App. 1944) . . . . .	901.02
Patent No. 4,409,763, In re, 7 USPQ2d 1798 (Comm'r Pat. 1988) . . . . .	2590	Peterson, In re, 315 F.3d 1325, 65 USPQ2d 1379 (Fed. Cir. 2003) . . . . .	716.02(d), 2144.05
Patent Term Extension Application, US Patent No. 3,849,549, In re, 226 USPQ 283 (Pat. & Tm. Office 1985) . . . . .	2751	Pfaff v. Wells Elecs., Inc., 525 U.S. 55, 48 USPQ2d 1641 (1998) . . . . .	706.02(l)(2), 2133.03(b), 2133.03(c), 2163, 2163.02
Patlex Corp. v. Mossinghoff, 771 F.2d 480, 226 USPQ 985 (Fed. Cir. 1985) . .	2225, 2240, 2244, 2249, 2625, 2640	Pfizer, Inc. v. Apotex Inc., 480 F.3d 1348, 82 USPQd 1321 (Fed. Cir. 2007) . . .	2143.01, 2145
Patlex Corp. v. Mossinghoff, 758 F.2d 594, 225 USPQ 243 (Fed. Cir. 1985) . . .	2211, 2611	Phelan, In re, 205 F.2d 183, 98 USPQ 156 (CCPA 1953) . . . . .	804
Patlex Corp. v. Quigg, 680 F. Supp. 33, 6 USPQ2d 1296 (D. D.C. 1988) . . . . .	2246, 2646	Philco Corp. v. Admiral Corp., 199 F. Supp. 797 131 USPQ 413 (D. Del. 1961) . . . . .	1503.02, 1504.04, 2133.03(e)(1)
Paulik v. Rizkalla, 760 F.2d 1270, 226 USPQ 224 (Fed. Cir. 1985) . .	2138.01, 2138.03	Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) .	2111, 2111.01, 2143.01, 2258
Paulsen, In re, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994) . . . . .	716.03, 2106, 2144.08	Piasecki, In re, 745 F.2d 1468, 223 USPQ 785 (Fed. Cir. 1984) . . . . .	716.01(d), 2107.02, 2142, 2145
Payne, Ex parte, 1904 C.D. 42, 108 O.G. 1049 (Comm'r Pat. 1903) . . . . .	707.07(g)	Pierce v. Allen B. DuMont Laboratories, Inc., 297 F.2d 323, 131 USPQ 340 (3d Cir. 1961) . . . . .	804
Payne, In re, 606 F.2d 303, 203 USPQ 245 (CCPA 1979) . . . . .	716.02(a), 716.02(e), 2144.09		
Peeler v. Miller, 535 F.2d 647, 190 USPQ 117 (CCPA 1976) . . . . .	2138.03		
Peck, Ex parte, 1901 C.D. 136, 96 O.G. 2409 (Comm'r Pat. 1901) . . . . .	608.02(f)		

LIST OF DECISIONS CITED

Pierce v. Watson, 275 F.2d 890, 124 USPQ 356 (D.C. Cir. 1960) . . . . .	715.01(b)	Prater, In re, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969) . . . . .	2106, 2111, 2172, 2173.05(a), 2173.05(q), 2411.01
Pilkington, In re, 411 F.2d 1345, 162 USPQ 145 (CCPA 1969) . . . . .	2173.05(o)	Pratt, Ex parte, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887) . . . . .	711.03(c), 2734
PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 64 USPQ2d 1344 (Fed. Cir. 2002) . . . . .	2163	Preda, In re, 401 F.2d 825, 159 USPQ 342 (CCPA 1968) . . . . .	2144.01
Pio, In re, 217 F.2d 956, 104 USPQ 177 (CCPA 1954) . . . . .	716.07	Price v. Symsek, 988 F.2d 1187, 26 USPQ2d 1031 (Fed. Cir. 1993) . . . . .	2137, 2138.01
Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 51 USPQ2d 1161 (Fed. Cir. 1999) . . . . .	2111.02	Process Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 52 USPQ2d 1029 (Fed. Cir. 1999) . . . . .	706.03(d), 2173.05(a)
Plant Genetic Sys., N.V. v. DeKalb Genetics Corp., 315 F.3d 1335, 65 USPQ2d 1452 (Fed. Cir. 2003) . . . . .	2164.08	Protein Found., Inc. v. Brenner, 260 F. Supp 519, 151 USPQ 561 (D.D.C. 1966) . . . . .	706.02(a)
Plastic Contact Lens Co. v. Gottschalk, 484 F.2d 837, 179 USPQ 262 (D.C. Cir. 1973) . . . . .	706.03(w)	Purdue Pharma L.P. v. Faulding, Inc., 230 F.3d 1320, 56 USPQ2d 1481 (Fed. Cir. 2000) . . . . .	2163, 2163.05
Platner, In re, 155 USPQ 222 (Comm'r Pat. 1967) . . . . .	1504.05	Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991) . . . . .	804.02
Pleuddemann, In re, 910 F.2d 823, 15 USPQ2d 1738 (Fed. Cir. 1990) . . . . .	2116.01	Quadranti, Ex parte, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992) . . . . .	2144.06
Plockinger, In re, 481 F.2d 1327, 179 USPQ 103 (CCPA 1973) . . . . .	2317	Quayle, Ex parte, 25 USPQ 74, 1935 C.D. 11, 453 O.G. 213 (Comm'r Pat. 1935) . . . . .	706.07(h), 710.02(b), 714.03, 714.14, 714.15, 2266.01, 2731
Plumb, In re, 470 F.2d 1403, 176 USPQ 323 (CCPA 1973) . . . . .	715.03	Rackham, Ex parte, 1923 C.D. 4 (Comm'r Pat. 1922) . . . . .	901.05
Polumbo v. Don-Joy Co., 762 F.2d 969, 226 USPQ 5 (Fed. Cir. 1985) . . . . .	2183, 2184	R.A.C.C. Indus. v. Stun-Tech, Inc., 178 F.3d 1309 (Fed. Cir. 1998) . . . . .	2106
Poly-America LP v. GSE Lining Tech. Inc., 383 F.3d 1303, 72 USPQ2d 1685 (Fed. Cir. 2004) . . . . .	2111.02, 2133.03(c)	Radio Corp. of America v. Radio Eng'g Labs., Inc., 293 U.S. 1, 21 USPQ 353 (1934) . . . . .	2138.01
Porter, Ex parte, 25 USPQ2d 1144 (Bd. Pat. App. & Inter. 1992) . . . . .	608.01(n), 2173.05(e), 2173.05(f), 2173.05(q)	Radio Steel and Mfg. Co. v. MTD Products, Inc., 731 F.2d 840, 221 USPQ 657 (Fed. Cir. 1984) . . . . .	2173.05(j)
Portola Packaging, Inc., In re, 110 F.3d 786, 42 USPQ2d 1295 (Fed. Cir. 1997) . . . . .	2258.01	Rainer, In re, 305 F.2d 505, 134 USPQ 343 (CCPA 1962) . . . . .	2124
Potter v. Dann, 201 USPQ 574 (D.D.C. 1978) . . . . .	711.03(c)	Rainer, In re, 390 F.2d 771, 156 USPQ 334 (CCPA 1968) . . . . .	715.03
Pottier, In re, 376 F.2d 328, 153 USPQ 407 (CCPA 1967) . . . . .	2107.02	Ralston Purina Co. v. Far-Mar-Co., Inc., 772 F.2d 1570, 227 USPQ 177 (Fed. Cir. 1985) . . . . .	2163.02
Powell, Ex parte, 37 USPQ 285, 1938 C.D. 15, 489 O.G. 231 (Bd. App. 1938) . . . . .	715.01(c)	Rapoport v. Dement, 254 F.3d 1053, 59 USPQ2d 1215 (Fed. Cir. 2001) . . . . .	2111.01
PPG Ind. v. Guardian Ind., 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996) . . . . .	2164.06(b)		
PPG Industries v. Guardian Industries, 156 F.3d 1351, 48 USPQ2d 1351 (Fed. Cir. 1998) . . . . .	2111.03, 2163		

MANUAL OF PATENT EXAMINING PROCEDURE

Rasmussen, In re, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981) . . . 706.03(o), 1504.04, 2163, 2163.01, 2163.04, 2163.05, 2163.06	Remark, Ex parte, 15 USPQ2d 1498 (Bd. Pat. App. & Inter. 1990) . . . 716.03, 716.03(b), 2144.08
Ratny, In re, 24 USPQ2d 1713 (Comm'r Pat. 1992) . . . . . 323	Remington, Ex parte, 1905 C.D. 28, 114 O.G. 694 (Comm'r Pat. 1904) . . . . . 1503.01
Ratti, In re, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). . . . . 2143.01	Renishaw PLC v. Marposs Societa' per Azioni, 158 F.3d 1243, 48 USPQ2d 1117 (Fed. Cir. 1998). . . . . 804
Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995) . . . . . 2590, 2734	Reuge, Ex parte, 115 USPQ 51 (Bd. Pat. App. & Inter. 1957) . . . 901.05, 901.05(b)
Raytek, Inc. v. Solfan Systems, Inc., 211 USPQ 405 (N.D. Cal., 1981) . . . 2286, 2686.04	Reuter, In re, 651 F.2d 751, 210 USPQ 249 (CCPA 1981) . . . . . 1901.06
Raytheon v. Roper, 724 F.2d 951, 220 USPQ 592 (Fed. Cir. 1983) . . 2107.02, 2164.08	Rexnord Corp. v. Laitram Corp., 274 F.3d 1336, 60 USPQ2d 1851 (Fed. Cir. 2001). . . 2111.01
RCA Corp. v. Data Gen. Corp., 887 F.2d 1056, 12 USPQ2d 1449 (Fed. Cir. 1989) . . 2133.03, 2133.03(b), 2133.03(e)(3)	Rey-Bellet v. Engelhardt, 493 F.2d 1380, 181 USPQ 453 (CCPA 1974) . . . 2107.02, 2138.05
Reading & Bates Construction Co. v. Baker Energy, 748 F.2d 645, 223 USPQ 1168 (Fed. Cir. 1984) . . . . . 2129	Reynolds, In re, 443 F.2d 384, 170 USPQ 94 (CCPA 1971) . . . . . 2163.07(a)
Rebstock v. Flouret, 191 USPQ 342 (Bd. Pat. Inter. 1975). . . . . 2138.06	Richardson, Ex Parte, 1906 Dec. Comm'r Pat. 83 (1905) . . . . . 711.03(c)
Reckitt & Colman Products Ltd., In re, 230 USPQ 369 (Comm'r Pat. & Tm. 1986) . . . . . 2755.01	Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) . . . . . 2131
Recreative Technologies, In re, 83 F.3d 1394, 38 USPQ2d 1776 (Fed. Cir. 1996) . . . . 2242, 2246, 2642, 2646	Richardson-Vicks, Inc. v. The Upjohn Co., 122 F.3d 1476, 44 USPQ2d 1181 (Fed. Cir. 1997) . . . . . 716.01(d)
Red Cross Mfg. v. Toro Sales Co., 525 F.2d 1135, 188 USPQ 241 (7th Cir. 1975). . . . . 2133.03(e)(1)	Richman, In re, 409 F.2d 269, 161 USPQ 359 (CCPA 1969) . . . . . 1412.02
Reed v. Quigg, 110 F.R.D. 363, 230 USPQ 2 (D.D.C. 1986) . . . . . 2279	Riegger v. Beierl, 1910 C.D. 12, 150 O.G. 826 (Comm'r Pat. 1910) . . . . . 604.06
Reeves Bros., Inc. v. U.S. Laminating Corp., 282 F. Supp. 118, 157 USPQ 235 (E.D. N.Y. 1968) . . . . . 901.05	Rieser v. Williams, 225 F.2d 419, 118 USPQ 96 (CCPA 1958) . . . . . 2138.06, 2307
Refac Int'l Ltd. v. Lotus Development Corp., 81 F.3d 1576, 38 USPQ2d 1665 (Fed. Cir. 1996). . . . . 410	Rijckaert, In re, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993) . . . . 2112, 2141.02, 2144.08
Regents of the University of California v. Eli Lilly & Co., 119 F.3d 1559, 43 USPQ2d 1398 (Fed. Cir. 1997) . . 2106, 2111.03, 2163, 2163.02, 2163.03	Rinehart, Ex parte, 10 USPQ2d 1719 (Bd. Pat. App. & Inter. 1985) . . . . . 2404.01
Reid, In re, 179 F.2d 998, 84 USPQ 478 (CCPA 1950). . . . . 716.07	Rinehart, In re, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976) . . . . . 2107.02, 2142, 2143.02, 2144.04
Rekers, In re, 203 USPQ 1034 (Comm'r Pat. 1979) . . . . . 804.03	Riverwood Int'l Corp. v. R.A. Jones & Co., 324 F.3d 1346, 66 USPQ2d 1331 (Fed. Cir. 2003) . . . . . 706.02, 2129, 2141.01
	Robbins Co. v. Lawrence Mfg. Co., 482 F.2d 426, 178 USPQ 577 (9th Cir. 1973) . . . . . 2133.03(d), 2133.03(e)(1), 2133.03(e)(4)
	Roberts, In re, 470 F.2d 1399, 176 USPQ 313 (CCPA 1973) . . . . . 2181

LIST OF DECISIONS CITED

Robertson, In re, 169 F.3d 743, 49 USPQ2d 1949 (Fed. Cir. 1999) . . . . .	2112, 2114, 2163, 2163.07(a)	Ruscetta, In re, 255 F.2d 687, 118 USPQ 101 (CCPA 1958) . . . . .	201.11, 2004, 2217, 2218, 2258, 2617
Robins, In re, 429 F.2d 452, 166 USPQ 552 (CCPA 1970) . . . . .	2163	Ruschig, In re, 343 F.2d 965, 145 USPQ 274 (CCPA 1965) . . . . .	2144.08
Robotic Vision Sys. v. View Eng'g, Inc., 112 F.3d 1163, 42 USPQ2d 1619 (Fed. Cir. 1997). . . . .	2106	Ruschig, In re, 379 F.2d 990, 154 USPQ 118 (CCPA 1967) . . . . .	2163, 2163.05
Roche Products v. Bolar Pharmaceuticals, 733 F.2d 858, 221 USPQ 937 (Fed. Cir. 1984) . . . . .	2750	Ruskin, In re, 347 F.2d 843, 146 USPQ 211 (CCPA 1965) . . . . .	2114
Rodime PLC v. Seagate Technology, Inc., 174 F.3d 1294, 50 USPQ2d 1429 (Fed. Cir. 1999) . . . . .	2181	Ruskin, In re, 354 F.2d 395, 148 USPQ 221 (CCPA 1966) . . . . .	2107.01
Rohm & Haas Co. v. Crystal Chem.Co., 722 F.2d 1556, 200 USPQ 289 (Fed. Cir. 1983). . . . .	410	Russell, In re, 239 F.2d 387, 112 USPQ 58 (CCPA 1956) . . . . .	1504.05
Rohm & Haas Co. v. Roberts Chem., Inc., 142 F. Supp. 499, 110 USPQ 93 (S.W. Va. 1956). . . . .	1403	Russell, In re, 439 F.2d 1228, 169 USPQ 426 (CCPA 1971) . . . . .	706.03(w)
Rose, In re, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). . . . .	2144.04	Rutan, In re, 231 USPQ 864 (Comm'r Pat. 1986) . . . . .	150
Rosen, In re, 673 F.2d 388, 213 USPQ 347 (CCPA 1982) . . . . .	1503.01, 1504.03, 2141.01(a)	Ruth, In re, 278 F.2d 729, 126 USPQ 155 (CCPA 1960). . . . .	1412.03
Rosenberg, Ex parte, 46 USPQ 393 (Bd. App. 1939) . . . . .	1610	Ryco, Inc. v. Ag-Bag Corp., 857 F.2d 1418, 8 USPQ2d 1323 (Fed. Cir. 1988) . . . . .	2144.07
Rosenblum v. Hiroshima, 220 USPQ 383 (Comm'r Pat. 1983) . . . . .	1205.02	Rydeen v. Quigg, 748 F. Supp 900, 16 USPQ2d 1876 (D.D.C. 1990) . . . . .	2590
Rothermel, In re, 276 F.2d 393, 125 USPQ 328 (CCPA 1960). . . . .	716.01	Ryko Manufacturing Co. v. Nu-Star, Inc., 950 F.2d 714, 21 USPQ2d 1053 (Fed. Cir. 1991). . . . .	2141.03, 2144.08
Rouffet, In re, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) . . . . .	1216.01	S, In re Application of, 8 USPQ2d 1630 (Comm'r Pat. 1988) . . . . .	711.03(c)
Rowand, In re, 526 F.2d 558, 187 USPQ 487 (CCPA 1975) . . . . .	1412.01	SAB Industri AB v. Bendix Corp., 199 USPQ 95 (E.D. Va. 1978) . . . . .	605.07
Rowe v. Dror, 112 F.3d 473, 42 USPQ2d 1550 (Fed. Cir. 1997) . . . . .	2111.02, 2303	Sachs v. Wadsworth, 48 F.2d 928, 9 USPQ 252 (CCPA 1931) . . . . .	715.07
Rubber-Tip Pencil Co. v. Howard, 87 U.S. (20 Wall.) 498 (1874). . . . .	2106	Sage Prods., Inc. v. Devon Indus., Inc., 126 F.3d 1420, 44 USPQ2d 1103 (Fed. Cir. 1997) . . . . .	2181
Rubin, Ex parte, 128 USPQ 440 (Bd. App. 1959) . . . . .	2144.04	Sakraida v. Ag Pro, Inc., 425 U.S. 273, 189 USPQ 449 (1979). . . . .	716.01(a), 2141
Rubinfield, In re, 270 F.2d 391, 123 USPQ 210 (CCPA 1959) . . . . .	1504.05	Salazar v. Procter & Gamble Co., 414 F.3d 1342, 1347, 75 USPQ2d 1369, 1373 (Fed. Cir. 2005) . . . . .	1302.14
Ruff, In re, 256 F.2d 590, 118 USPQ 340 (CCPA 1958). . . . .	2144.06	Salmon, In re, 705 F.2d 1579, 217 USPQ 981 (Fed. Cir. 1983) . . . . .	1504.04, 1504.20
Ruiz v. A.B. Chance Co., 357 F.3d 1270, 69 USPQ2d 1686 (Fed. Cir. 2004) . . . . .	2143.01, 2145	Salsbury, Ex parte, 38 USPQ 149 (Comm'r Pat. 1938) . . . . .	1504.04
		Samour, In re, 571 F.2d 559, 197 USPQ 1 (CCPA 1978). . . . .	2131.01
		Sampson v. Ampex Corp., 463 F.2d 1042, 174 USPQ 417 (2d Cir. 1972). . . . .	201.06(d)

MANUAL OF PATENT EXAMINING PROCEDURE

Sampson v. Comm’r Pat., 195 USPQ 136 (D.D.C. 1976) . . . . .	1402	Schnell, In re, 46 F.2d 203, 8 USPQ 19 (CCPA 1931) . . . . .	1504.01
Sampson v. Dann, 466 F. Supp. 965, 201 USPQ 15 (D.D.C. 1978) . . . . .	1308	Schneller, In re, 397 F.2d 350, 158 USPQ 210 (CCPA 1968) . . . . .	804, 804.01, 1504.06
Sanford, Ex parte, 1914 C.D. 69, 204 O.G. 1346 (Comm’r Pat. 1914) . . . . .	1504.05	Schoenwald, In re, 964 F.2d 1122, 22 USPQ2d 1671 (Fed. Cir. 1992) . . . . .	2122
Sapp, In re, 324 F.2d 1021, 139 USPQ 552 (CCPA 1963) . . . . .	1504.03	Schrader, In re, 22 F.3d 290, 30 USPQ2d 1445 (Fed. Cir. 1994) . . . . .	2106.02
Sarett, In re, 327 F.2d 1005, 140 USPQ 474 (CCPA 1964) . . . . .	804	Schreiber, In re, 128 F.3d 1473, 44 USPQ2d 1429 (Fed. Cir. 1997) . . . . .	2111.02, 2112, 2114
Sarkar, In re, 575 F.2d 870, 197 USPQ 788 (CCPA 1978) . . . . .	724	Schulze, In re, 346 F.2d 600, 145 USPQ 716 (CCPA 1965) . . . . .	716.01(c), 2145, 2164.06(c)
Sarkar, In re, 588 F.2d 1330, 200 USPQ 132 (CCPA 1978) . . . . .	2106.01	Schuurs, In re, 218 USPQ 443 (Comm’r Pat. 1983) . . . . .	1481.03
Sasajima, Ex parte, 212 USPQ 103 (Bd. App. 1981) . . . . .	716.02(f)	Schwarze, Ex parte, 151 USPQ 426 (Bd. App. 1966) . . . . .	608.01(p)
Sasse, In re, 629 F.2d 675, 207 USPQ 107 (CCPA 1980) . . . . .	716.07, 2121, 2121.02	Scott v. Brandenburger, 216 USPQ 326 (Bd. App. 1982) . . . . .	2137
Saunders, Ex parte, 1883 C.D. 23, 23 O.G. 1224 (Comm’r Pat. 1883) . . . . .	715.07	Scott v. Finney, 34 F.3d 1058, 32 USPQ2d 1115 (Fed. Cir. 1994) . . . . .	2107.01, 2107.03, 2138.05, 2164.05
Saunders, In re, 444 F.2d 599, 170 USPQ 213 (CCPA 1971) . . . . .	716.02(f), 2142, 2172	Scott v. Koyama, 281 F.3d 1243, 61 USPQ2d 1856 (Fed. Cir. 2002) . . . . .	2138.06
Scaltech, Inc. v. Retec/Tetra, L.L.C., 269 F.3d 1321, 60 USPQ2d 1687 (Fed. Cir. 2001) . . . . .	2133.03(c)	Scragg, In re, 215 USPQ 715 (Comm’r Pat. 1982) . . . . .	2285, 2686.03
Scarborough, In re, 500 F.2d 560, 182 USPQ 298 (CCPA 1974) . . . . .	608.01(p), 2161.01, 2164.06(c), 2164.06(a)	Scripps Clinic and Res. Found. v. Genentech, Inc., 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991) . . . . .	2165.04, 2411.01
Schaub, In re, 537 F.2d 509, 190 USPQ 324 (CCPA 1976) . . . . .	715.03	Scudder, Ex parte, 169 USPQ 814 (Bd. App. 1971) . . . . .	1402, 1412.04
Schauman, In re, 572 F.2d 312, 197 USPQ 5 (CCPA 1978) . . . . .	706.02(m), 2131.02, 2144.08	Scully Signal Co. v. Electronics Corp. of America, 570 F.2d 355, 196 USPQ 657 (1st Cir. 1977) . . . . .	716.04
Schechter, In re, 205 F.2d 185, 98 USPQ 144 (CCPA 1953) . . . . .	2144.08, 2144.09, 2173.05(i)	Seal-Flex, Inc. v. Athletic Track and Court Construction, 172 F.3d 836, 50 USPQ2d 1225 (Fed. Cir. 1999) . . . . .	2181
Scheiber, In re, 587 F.2d 59, 199 USPQ 782 (CCPA 1978) . . . . .	201.11, 2163.03	Searles, In re, 422 F.2d 431, 164 USPQ 623 (CCPA 1970) . . . . .	602.03, 2132.01
Schenck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983) . . . . .	2141.02, 2144.04	Seattle Box Co. v. Industrial Crating & Packing, Inc., 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984) . . . . .	2173.05(b)
Schering Corp. v. Amgen, Inc., 222 F.3d 1347, 55 USPQ2d 1650 (Fed. Cir. 2000) . . . . .	2163.07	Seebach, In re, 88 F.2d 722, 33 USPQ 149 (CCPA 1937) . . . . .	709.01
Schering Corp. v. Geneva Pharm. Inc., 339 F.3d 1373, 67 USPQ2d 1664 (Fed. Cir. 2003) . . . . .	2112	Seid, In re, 161 F.2d 229, 73 USPQ 431 (CCPA 1947) . . . . .	2144.04
Schering-Plough Corp., In re, 1 USPQ2d 1926 (Comm’r Pat. & Tm. 1986) . . . . .	2760		
Schlittler, In re, 234 F.2d 882, 110 USPQ 304 (CCPA 1956) . . . . .	2128.02		

LIST OF DECISIONS CITED

Seiko Epson Corp. v. Nu-Kote Int'l, Inc., 190 F.3d 1360, 52 USPQ2d 1011 (Fed. Cir. 1999) . . . . .	1504.01(c)	Sivaramakrishnan, In re, 673 F.2d 1383, 213 USPQ 441 (CCPA 1982) . . . . .	2131.02
Seiko Koko Kabushiki Kaisha, Ex parte, 225 USPQ 1260 (Bd. App. 1984) . . . . .	2258	Sivertz, In re, 227 USPQ 255 (Comm'r Pat. 1985) . . . . .	711.03(c)
Self, In re, 671 F.2d 1344, 213 USPQ 1 (CCPA 1982). . . . .	2131.05	Skil Corp. v. Lucerne Products Inc., 503 F.2d 745, 183 USPQ 396 (7 <sup>th</sup> Cir. 1974) . . . . .	2133.03(e)
Semiconductor Energy Laboratory Co. v. Samsung Electronics Co., 204 F.3d 1368, 54 USPQ2d 1001 (Fed. Cir. 2000) . . . . .	609.04(a), 609.04(b), 2004	Skil Corp. v. Rockwell Manufacturing Co., 358 F. Supp. 1257, 178 USPQ 562 (N.D. Ill. 1973) . . . . .	2133.03(e)(3)
Sernaker, In re, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983) . . . . .	2144	Skrivan, In re, 427 F.2d 801, 166 USPQ 85 (CCPA 1970) . . . . .	2164.08
Shaffer Tool Works v. Joy Mfg. Co., 687 F. Supp 80, 167 USPQ 170 (S.D. Tex. 1970) . . . . .	1701.01	Skuballa, Ex parte, 12 USPQ2d 1570 (Bd. Pat. App. & Inter. 1989) . . . . .	2173.05(c)
Shaked v. Taniguchi, 21 USPQ2d 1289 (Bd. Pat. App. & Inter. 1991) . . . . .	2686.02	Sinex, In re, 309 F.2d 488, 135 USPQ 302 (CCPA 1962) . . . . .	2111.02
Shatterproof Glass Corp. v. Libbey- Owens Ford Co., 758 F.2d 613, 225 USPQ 634 (Fed. Cir. 1985) . . . . .	2133.03(b), 2173.05(a)	Slayter, In re, 276 F.2d 408, 125 USPQ 345 (CCPA 1960) . . . . .	715.03, 2131.02
Shepherd, In re, 172 F.2d 560, 80 USPQ 495 (CCPA 1949) . . . . .	716.07	Slip Track Systems, Inc. v. Metal Lite, Inc., 159 F.3d 1337, 48 USPQ2d 1055 (Fed. Cir. 1998) . . . . .	1449.02
Sherwood, In re, 613 F.2d 809, 204 USPQ 537 (CCPA 1980). . . . .	608.01(h), 2161.01, 2165.04	Smernoff, Ex parte, 215 USPQ 545 (Bd. App. 1982). . . . .	2137.01
Shindelar v. Holdeman, 628 F.2d 1337, 207 USPQ 112 (CCPA 1980) . . . . .	2138.03	Smith, In re, 458 F.2d 1389, 173 USPQ 679 (CCPA 1972) . . . . .	2163, 2163.05
Shokal, In re, 242 F.2d 771, 113 USPQ 283 (CCPA 1957) . . . . .	715.03	Smith, In re, 714 F.2d 1127, 218 USPQ 976 (Fed. Cir. 1983) . . . . .	2133.03(a), 2133.03(e)
Sichert, In re, 566 F.2d 1154, 196 USPQ 209 (CCPA 1977) . . . . .	2107.01, 2107.02, 2107.03	Smith, Ex parte, 83 USPQ2d 1509 (Bd. Pat. App. & Int. 2007). . . . .	2143
Signtech USA Ltd. v. Vutek, Inc. , 174 F.3d 1352, 50 USPQ2d 1372 (Fed. Cir. 1999) . . . . .	2181	Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981) . . . . .	711.03(c)
Silvestri v. Grant, 496 F.2d 593, 181 USPQ 706 (CCPA 1974) . . . . .	2138.04	Smith v. Hayashi, 209 USPQ 754 (Bd. of Pat. Inter. 1980). . . . .	2144.06
Simon, In re, 302 F.2d 737, 133 USPQ 524 (CCPA 1962) . . . . .	2174	Smith v. M & B Sales & Mfg., 13 USPQ2d 2002 (N.D. Cal. 1990). . . . .	1504.01(c)
Simpson, Ex parte, 218 USPQ 1020 (Bd. App. 1982) . . . . .	706.03(d), 2173.05(u)	Smith v. Mossinghoff, 671 F.2d 533, 213 USPQ 977 (D.C. Cir. 1982) . . . . .	711.03(c)
Sinclair & Carroll Co. v. Interchemical Corp., 325 U.S. 327, 65 USPQ 297 (1945) . . . . .	2144.07	Smith Davis Mfg. Co. v. Mellon, 58 F. 705 (8th Cir. 1893) . . . . .	2133.03(e)(6)
Sitz, In re, 331 F.2d 617, 141 USPQ 505 (CCPA 1964). . . . .	2307	SmithKline Beecham Corp. v. Apotex Corp., 403 F.3d 1331, 74 USPQ2d 1398 (Fed. Cir. 2005) . . . . .	2112
		Smyth, In re, 189 F.2d 982, 90 USPQ 106 (CCPA 1951). . . . .	716.09
		Smythe, In re, 480 F.2d 1376, 178 USPQ 279 (CCPA 1973) . . . . .	2163, 2163.05, 2163.07(a)
		Sneed, In re, 710 F.2d 1544, 218 USPQ 385 (Fed. Cir. 1983) . . . . .	1445, 2145

MANUAL OF PATENT EXAMINING PROCEDURE

Sobin, Ex parte, 139 USPQ 528 (Bd. App. 1962) . . . . .	2173.05(t)	State Contracting & Eng'g Corp. v. Condotte, Inc., 346 F.3d 1057, 68 USPQ2d 1481 (Fed. Cir. 2003) . . . . .	2131.05, 2141.01(a)
Soli, In re, 317 F.2d 941, 137 USPQ 797 (CCPA 1963). . . . .	2144.02, 2144.03	State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) . . . . .	2106
Soll, In re, 97 F.2d 623, 38 USPQ 189 (CCPA 1938). . . . .	2164.03	Steele, In re, 305 F.2d 859, 134 USPQ 292 (CCPA 1959) . . . . .	2143.03, 2173.06
Solomon v. Kimberly-Clark Corp., 216 F.3d 1372, 55 USPQ2d 1279 (Fed. Cir. 2000) . . . . .	2172	Steenbock, In re, 83 F.2d 912, 30 USPQ 45 (CCPA 1936) . . . . .	201.11
Soni, In re, 54 F.3d 746, 34 USPQ2d 1684 (Fed. Cir. 1995) . . . . .	707.07(f), 2145	Steierman v. Connelly, 192 USPQ 433 (Bd. Pat. Int. 1975) . . . . .	2004
Sony Computer Entertainment America, Inc. v. Dudas, 85 USPQ2d 1594 (E.D. Va. 2006) . . . . .	2240, 2640, 2686.04	Steierman v. Connelly, 192 USPQ 446 (Bd. Pat. Int. 1976) . . . . .	2004
Spada, In re, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990) . . . . .	2112.01	Steierman v. Connelly, 197 USPQ 288 (Comm'r Pat. 1976). . . . .	2138.03
Spectra-Physics, Inc. v. Coherent, Inc., 827 F.2d 1524, 3 USPQ2d 1737 (Fed. Cir. 1987) . . . . .	608.01(h), 2161.01, 2164.01(b), 2165.02, 2165.04	Steigerwald, Ex parte, 131 USPQ 74 (Bd. App. 1961). . . . .	706.03(d), 2173.05(d)
Spencer, In re, 273 F.2d 181, 124 USPQ 175 (CCPA 1959) . . . . .	1449.02	Steinberg v. Seitz, 517 F.2d 1359, 186 USPQ 209 (CCPA 1975) . . . . .	2133.03(c)
Spiegel, Ex parte, 1919 C.D. 112, 268 O.G. 741 (Comm'r Pat. 1919) . . . . .	1503.01	Stemniski, In re, 444 F.2d 581, 170 USPQ 343 (CCPA 1971) . . . . .	2144.08, 2144.09
Spiller, In re, 500 F.2d 1170, 182 USPQ 614 (CCPA 1974) . . . . .	715.02, 715.03	Stempel, In re, 241 F.2d 755, 113 USPQ 77 (CCPA 1957) . . . . .	715.03
Sponnoble, In re, 405 F.2d 578, 160 USPQ 237 (CCPA 1969) . . . . .	2141.02	Stencel, In re, 828 F.2d 751, 4 USPQ2d 1071 (Fed. Cir. 1987) . . . . .	2111.02
Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976) . . . . .	409.03(b), 605.04(a)	Steppan, In re, 394 F.2d 1013, 156 USPQ 143 (CCPA 1967) . . . . .	2173.05(o)
Staehelin v. Secher, 24 USPQ2d 1513 (Bd. Pat. App. & Inter. 1992) . . . . .	2138.04	Stern, Ex parte, 13 USPQ2d 1379 (Bd. Pat. App. & Inter. 1987) . . . . .	2144.04
Stalego, Ex parte, 154 USPQ 52 (Bd. App. 1966) . . . . .	901.01, 2127, 2136.02	Stevens, Ex parte, 16 USPQ2d 1379 (Bd. Pat. App. & Inter. 1990) . . . . .	2107.03
Standard Oil Co. v. Montedison, S.p.A., 494 F. Supp 370, 206 USPQ 676 (D.Del. 1980) . . . . .	2165.01	Stevens, In re, 173 F.2d 1015, 81 USPQ 362 (CCPA 1949) . . . . .	1504.01(c)
Standish, Ex parte, 10 USPQ2d 1454 (Bd. Pat. App. & Inter. 1988) . . . . .	716.03(a), 716.03(b), 2138.01	Stevens, In re, 212 F.2d 197, 101 USPQ 284 (CCPA 1954) . . . . .	2144.04
Stanley, Ex parte, 121 USPQ 621 (Bd. App. 1958) . . . . .	2181	Stevenson v. International Trade Comm'n, 612 F.2d 546, 204 USPQ 276 (CCPA 1979). . . . .	2141.01(a)
Star Fruits S.N.C. v. United States, 280 F.Supp.2d 512 (E.D. Va 2003) . . . . .	704.12(a), 2005	Stewart Sys. v. Commissioner, 1 USPQ2d 1879 (E.D. Va. 1986). . . . .	2258
Star Fruits S.N.C. v. United States, 393 F.3d 1277, 73 USPQ2d 1409 (Fed. Cir. 2005). . . . .	704.10	Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 160 USPQ 177 (7th Cir. 1968) . . . . .	201.06(d), 201.11
		Stoddard, In re, 213 USPQ 386 (Comm'r Pat. 1982). . . . .	2285, 2686.03











