

Notification of Non-Compliant Appeal Brief (37 CFR 41.37) in Ex Parte Reexamination	Control No.	Patent Under Reexamination	
	Examiner	Art Unit	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on _____ is defective for failure to comply with one or more provisions of 37 CFR 41.37(c).

Patent owner is given a TIME PERIOD of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this Notification for filing an amended brief or other appropriate correction of the Appeal brief (see MPEP 1205.03). If an amended brief or other appropriate correction (see MPEP 1205.03) is not timely submitted, the appeal will be dismissed as of the expiration of the period for reply to this Notification. Extensions of this time period may be obtained only under 37 CFR 1.550(c).

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not comply with 37 CFR 41.37(c)(1)(iii) in that it fails to (1) contain a concise explanation of the subject matter defined in each of the rejected independent claims, referring to the specification in the Record by page and line number or paragraph number and to the drawings, if any, by reference characters; and/or (2) identify, for each rejected independent claim and for each dependent claim argued separately that contains a means plus function or step plus function recitation under 35 U.S.C. 112, sixth paragraph, the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification in the Record by page and line number or paragraph number, and to the drawings, if any, by reference characters.
3. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(v)).
4. Other (including any explanation in support of the above items):
_____.

* If this is a merged proceeding, one copy must be added to each reexamination in addition to the first reexamination.

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cc: Requester (if third party requester)

U.S. Patent and Trademark Office

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