

Appendix II List of Decisions Cited

| | Sec. No. |
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| Abbot v. Coe, 1940 C.D. 13; 512 O.G. 3 | 716 |
| Adams, Ex parte, Pat. No. 1,789,921 | 608.04(b) |
| Andrews v. Wickenden, 1952 C.D. 176, 659 O.G. 305 | 1101.02(f) |
| Application Filed Nov. 16, 1945, In re, 1951 C.D. 1; 646 O.G. 5 | 904.01(a) |
| Application Papers Filed Jan. 20, 1956, In re, 706 O.G. 4 | 714.07 |
| Application Papers Filed Sept. 10, 1954, In re, 703 O.G. 434 | 409.03 |
| Arbeit et al., In re, 1953 C.D. 409; 677 O.G. 848 | 706.03(c) |
| Arkless, Ex parte, 1958 C.D. 19; 726 O.G. 635 | 201.14, 1401 |
| Armstrong, In re, 1960 C.D. 759 O.G. 4 | 716 |
| Arzberger, In re, 1940 C.D. 653; 521 O.G. 272 | 1601 |
| Attwood, In re, 1958 C.D. 204; 730 O.G. 790 | 716 |
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| Ayers et al., Ex parte, 108 U.S.P.Q. 444 | 608.04(a) |
| Badger, Ex parte, 1901 C.D. 195; 97 O.G. 1596 | 608.02(f) |
| Ball et al., Ex parte, 1953 C.D. 4; 875 O.G. 5 | 706.03(c) |
| Barber, In re, 1936 C.D. 184; 465 O.G. 724 | 1504 |
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| Bonnie-B Co. Inc., Ex parte, 1923 C.D. 42; 313 O.G. 453 | 104 |
| Bowditch v. Todd, 1902 C.D. 27; 980 O.G. 792 | 1105.02 |
| Bowyer, Ex parte, 1939 C.D. 5; 505 O.G. 759 | 715.07(b), 715.09, 1212 |
| Brown, Ex parte, 1902 C.D. 51; 98 O.G. 1705 | 1205 |
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| Buchli v. Rasmussen, 1925 C.D. 75; 339 O.G. 223 | 1105.02 |
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| Bullock, Ex parte, 1907 C.D. 93; 127 O.G. 1580 | 706.03(c) |
| Burke, Ex parte, 1934 C.D. 5; 441 O.G. 509 | 706.03(y) |
| Burrowes, Ex parte, 1904 C.D. 155; 110 O.G. 599 | 1214.01 |
| Campbell, In re, 1954 C.D. 191; 685 O.G. 470 | 201.06 |
| Card and Card, Ex parte, 1904 C.D. 383; 112 O.G. 499 | 1101.02 |
| Carlson et al., In re, 1936 C.D. 95; 462 O.G. 479 | 715.04 |
| Chevenard, In re, 1944 C.D. 141; 560 O.G. 196 | 706.02(a) |
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| Delavoye, Ex parte, 1906 C.D. 320; 124 O.G. 626 | 604.02 |
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| Detrola Corp. v. Hazeltine, 1941 C.D. 811; 528 O.G. 245 | 706.02 |
| Donnell, Ex parte, 1923, C.D. 54; 315 O.G. 398 | 806.05(b) |
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| Dotter, Ex parte, 12 U.S.P.Q. 382 | 706.03(y) |
| Dreshfield, In re, 1940 C.D. 351, 518 O.G. 255 | 706.03(z) |
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| Eggan, Ex parte, 1911 C.D. 213; 172 O.G. 1091 | 403.01, 403.02 |
| Elliott, Ex parte, 1904 C.D. 103; 109 O.G. 1337 | 608.02(g) |
| Emerson v. Beach, 103 U.S.P.Q. 45; 691 O.G. 170; 1955 C.D. 34 | 1101.02(f) |
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| Fischer, In re, 1942 C.D. 295; 538 O.G. 503 | 706.02(a) |
| Forsyth v. Richards, 1905 C.D. 115; 115 O.G. 1327 | 1105.02 |
| Foster, Ex parte, 1903 C.D. 213; 105 O.G. 261 | 715.04 |
| Fox, Ex parte, 1960 C.D. 28; 761 O.G. 906 | 608.04(a) |
| Frey, In re, 1950 C.D. 362; 639 O.G. 5 | 1101.02(f) |
| Fried et al. v. Murray et al., 1959 C.D. 311; 746 O.G. 563 | 1105.04 |
| Fuller, In re, 1929 C.D. 172; 388 O.G. 279 | 706.03(c) |
| Gelder v. Henry, 77 U.S.P.Q. 223 | 1105.02 |
| Good, Ex parte, 1911 C.D. 43; 164 O.G. 739 | 608.02(d) |
| Gourtoff, Ex parte, 1924 C.D. 153; 329 O.G. 536 | 707.13, 710.06 |
| Grayson, Ex parte, 51 U.S.P.Q. 413 | 706.03(a) |
| Greenawalt v. Mark, 1904 C.D. 352; 111 O.G. 2224 | 1105.04 |
| Greenfield, In re, 1930 C.D. 531; 400 O.G. 226 | 1214.01 |
| Gregg, In re, 1957 C.D. 284; 720 O.G. 227 | 706.02 |

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| Gresselin, Ex parte, 1896 C.D. 39; 76 O.G. 1573 | 716 | Lemieux, Ex parte, 1957 C.D. 47; 725 O.G. 4 | 715.01(c) |
| Grier, Ex parte, 1923 C.D. 27; 309 O.G. 223 | 706.04, 820 | Ljungstrom, Ex parte, 1905 C.D. 541; 119 O.G. 2335 | 814 |
| Gruschwitz et al., Ex parte 138 U.S.P.Q. 505 | 706.03(s), 901.05(b) | Loewenbach, Ex parte, 1904 C.D. 170; 110 O.G. 857 | 819 |
| Gunther, In re, 1942 C.D. 332; 538 O.G. 744 | 706.02(a) | Lohman, Ex parte, 1912 C.D. 336; 184 O.G. 287 | 1503.02 |
| Hale, Ex parte, 49 U.S.P.Q. 209 | 715.09 | Ludwick, In re, 1925 C.D. 306; 339 O.G. 393 | 706.03(g) |
| Harpignies, 167 Ms. D. 329, in Patent File of Des. Pat. D 136,599 Oct. 26, 1943 | 1504 | Lurelle Guild, In re, 1953 C.D. 310; 877 O.G. 5 | 716 |
| Harris et al., Ex parte, 79 U.S.P.Q. 439 | 707.05(f) | Malcolm, In re, 1942 C.D. 589; 543 O.G. 440 | 706.02(a) |
| Hay, Ex parte, 1909 C.D. 18; 139 O.G. 197 | 706.04 | Mansfield and Hayes, Ex parte, 1902 C.D. 94; 98 O.G. 2363 | 809.01 |
| Hazeltine Research, Inc., et al. v. Brenner, 147 U.S.P.Q. 429 (1965) | 706.02 | Markush, Ex parte, 1925 C.D. 126; 340 O.G. 839 | 706.03(y) |
| Healy, Ex parte, 1898 C.D. 157; 84 O.G. 1281 | 806.04(b) | Martin, In re, 1946 C.D. 180; 586 O.G. 347 | 1212 |
| Heinz, In re, 1910 C.D. 292; 151 O.G. 1014 | 1214.01 | Matullath, In re, 1912 C.D. 490; 179 O.G. 853 | 409.01 |
| Heinze, Ex parte, 1919 C.D. 67; 265 O.G. 145 | 602.05 | McCormick, Ex parte, 1904 C.D. 575; 113 O.G. 2508 | 709.01 |
| Henrich, In re, 1959 C.D. 353; 747 O.G. 793 | 716 | McBurney v. Jones, 104 U.S.P.Q. 115 | 1105.04 |
| Heritage, In re, 1950 C.D. 419; 639 O.G. 638 | 901.02 | McKenna et al., In re, 1953 C.D. 251; 874 O.G. 9 | 716 |
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| Herrick et al., In re, 1958 C.D. 1; 727 O.G. 4 | 706.03(k) | Mergenthaler v. Scudder, 1897 C.D. 724; 81 O.G. 1417 | 715.07 |
| Herrmann et al., In re, 1959 C.D. 159; 729 O.G. 549 | 707.07(f) | Merz, Ex parte, 75 U.S.P.Q. 296 | 715.07(a) |
| Hirschler, Ex parte, 110 U.S.P.Q. 384 | 715.01(c) | Messick, Ex parte, 1930 C.D. 6; 400 O.G. 3 | 710.01(a) |
| Hollingsworth, In re, 1958 C.D. 210; 730 O.G. 282 | 716 | Metropolitan Eng. Co. v. Coe, 1935 C.D. 54; 455 O.G. | 716 |
| Hoogendam, Ex parte, 1939 C.D. 3; 499 O.G. 3 | 706.07 | Michalek, In re, 1947 C.D. 458; 604 O.G. 223 | 716 |
| Hoover Co., etc., In re, 1943 C.D. 338; 552 O.G. 365 | 1109.01 | Milburn Co. v. Davis-Bournonville Co., 1926 C.D. 303; 344 O.G. 817 | 706.02 |
| Hotel Security Checking Co. v. Lorraine Co., 160 Fed. 467 | 706.03(a) | Miller, Ex parte, 1922 C.D. 36; 305 O.G. 419 | 714.15 |
| Hough et al., In re, 703 O.G. 200 | 409.03 | Milton, Ex parte, 164 Ms 1; 63 U.S.P.Q. 132 | 710.04(a) |
| Hunt Co. v. Mallinckrodt, 83 U.S.P.Q. 277 | 201.11 | Minn. Mining & Mfg. Co. v. Coe (CADC) 1938 C.D. 100; 497 O.G. 766 | 706.02 |
| Hunter, Ex parte, 1889 C.D. 218; 49 O.G. 738 | 715.07(a) | Moeller, In re, 1941 C.D. 316; 527 O.G. 559 | 706.03(e) |
| Iagan, Ex parte, 1911 C.D. 10; 162 O.G. 538 | 706.03(g) | Monaco v. Watson, 106 U.S. App. D.C. 142; 270 F. 2d 335; 122 U.S.P.Q. 564 | 1109.01 |
| Incomplete Application, In re, 659 O.G. 917 | 608.01 | Monsanto v. Kamp et al., 146 U.S.P.Q. 431 | 1109.01 |
| Irwin, Ex parte, 1928 C.D. 13; 367 O.G. 701 | 604.02 | Moore, Ex parte, 1923 C.D. 13; 307 O.G. 4 | 1211 |
| Jewett et al., In re, 1957 C.D. 420; 724 O.G. 225 | 716 | Myers, In re, 1959 C.D. 2; 738 O.G. 947 | 608.02 |
| Johnson, Ex parte, 1958 C.D. 22; 731 O.G. 6 | 1401 | Nelson, Ex parte, 164 Ms. D. 361; 26 J.P. O.S. 564 | 710.04(a) |
| Jones, Ex parte, 1924 C.D. 59; 327 O.G. 681 | 709.01 | Norlund, Ex parte, 1913 C.D. 161; 192 O.G. 989 | 1213.01 |
| Joyce, In re, 1958 C.D. 2; 727 O.G. 4 | 706.03(k) | Noxon v. Halpert, 128 U.S.P.Q. 481 | 1101.02(f), 1105.05 |
| Klein, In re, 1930 C.D. 2; 393 O.G. 519 | 201.08 | Oppenauer, In re, 1944 C.D. 587; 568 O.G. 393 | 716 |
| Kluis et al., Ex parte, Board of Appeals decision in Plant Patent File 707 | 1604 | O'Reilly v. Morse, 15 Howard 62 | 706.03(a) |
| Komenak, Ex parte, 1940 C.D. 1; 512 O.G. 739 | 201.09 | Osborne, Ex parte, 1900 C.D. 137; 92 O.G. 1797 | 706.03(d) |
| Kopf et al., In re Application Papers of, 779 O.G. 290 | 201.05 | Peck, Ex parte, 1901 C.D. 136; 96 O.G. 2409 | 608.02(f) |
| Kotler, Ex parte, 1901 C.D. 62; 95 O.G. 2684 | 608.01(o) | Perrigo, In re, 1931 C.D. 510; 411 O.G. 544 | 716 |
| Kulieke, In re, 1960 C.D. 281; 756 O.G. 288 | 716 | Perrine, In re, 1940 C.D. 465; 519 O.G. 520 | 716 |
| Lantzke, Ex parte, 1910 C.D. 100; 156 O.G. 257 | 810.01 | Peterson, Ex parte, 63 U.S.P.Q. 99 | 901.02 |
| Lasscell, Ex parte, 1884 C.D. 66; 29 O.G. 861 | 711.01 | Peterson, Ex parte, 1941 C.D. 8; 525 O.G. 3 | 710.02(b), 1109, 1109.01 |
| LeBlanc, Ex parte, 1902 C.D. 1; 98 O.G. 225 | 1213.01 | Pickles, Ex parte, 1904 C.D. 126; 109 O.G. 1888 | 810.02 |
| Leishman, Ex parte, 137 Ms 336, Pat. No. 1,581,937 | 608.04(b) | Pierce, In re, 1930 C.D. 34; 390 O.G. 265 | 716 |

LIST OF DECISIONS CITED

| | Sec. No. | | Sec. No. |
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| Pierce V. Tripp v. Powers, 1923 C.D. 69; 316 | | Stanley, Ex parte, 121 U.S.P.Q. 621 | 706.03(c) |
| O.G. 3 | 1105.02 | Stanley et al., In re, 102 U.S.P.Q. 234 | 305 |
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| Pike et al., In re, 1950 C.D. 105; 633 O.G. 680 | 716 | Stempel, In re, 1957 C.D. 200; 717 O.G. 886 | 715.03 |
| Powell et al., Ex parte, 1938 C.D. 15; 489 | | Strain, In re, 1951 C.D. 252; 648 O.G. 5 | 715.01(a) |
| O.G. 231 | 715.01(c) | Swanberg, In re, 129 U.S.P.Q. 364 | 608.01 |
| Quattlebaum, In re, 84 U.S.P.Q. 383 | 716 | Sweet, In re, 1943 C.D. 535; 556 O.G. 726 | 1211 |
| Quayle, Ex parte, 1935 C.D. 11; 453 O.G. | | Switzer et al., In re, 612 O.G. 11 | 901.02 |
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| Redeclaration of Interferences, In re, Nos. | | Tanke et al., In re, 102 U.S.P.Q. 83; 687 O.G. | |
| 49,635; 49,636; 49,866; 1936 C.D. 75; 350 | | 677; 1954 C.D. 212 | 1101.02(f) |
| O.G. 3 | 1102.01, 1105.04 | Tatincloux, In re, 1956 C.D. 102; 702 O.G. 964 | 716 |
| Reid, In re, 1950 C.D. 194; 635 O.G. 694 | 716 | Tilden v. Snodgrass, 1923 C.D. 30; 309 O.G. | |
| Renstrom, In re, 1949 C.D. 306; 624 O.G. 5 | 716 | 477 | 1105.02 |
| Riegger v. Beierl, 1910 C.D. 12; 150 O.G. 826 | 604.06 | Thompson v. Hamilton, 1946 C.D. 70; 585 O.G. | |
| Rieser v. Williams, 118 U.S.P.Q. 96 | 1101.02(f) | 177 | 1101.02(f) |
| Robinson, Ex parte, Pat. No. 2,329,086 | 809.03 | Trevette, Ex parte, 1901 C.D. 170; 97 O.G. | |
| Romunder, Ex parte, 1910 C.D. 121; 157 O.G. | | 1173 | 820 |
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| Rosenberg, Ex parte, 46 U.S.P.Q. 393 | 1610 | United States Industrial Chemicals Inc. v. Car- | |
| Rossi, In re, 1957 C.D. 130; 717 O.G. 214 | 716 | bide and Carbon Chemicals Corp., 1942 C.D. | |
| Rothermel et al., In re, 1960 C.D. 204; 755 O.G. | | 751; 588 O.G. 741 | 1401.07 |
| 621 | 716 | Vander Wal et al., Ex parte, 1956 C.D. 11; 705 | |
| Rubinfield, In re, 1959 C.D. 412; 749 O.G. | | O.G. 5 | 608.04(a) |
| 274 | 1503.01, 1504 | Van Otteren v. Hafner et al., 757 O.G. 1026; | |
| Sanford, Ex parte, 1914 C.D. 69; 204 O.G. | | 126 U.S.P.Q. 151 | 201.03 |
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| 1224 | 715.07 | Votey v. Wuest v. Doman, 1904 C.D. 323; 111 | |
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| Simons v. Dunlop, 103 U.S.P.Q. 237 | 1105.02 | Whitelaw, Ex parte, 1915 C.D. 18; 219 O.G. | |
| Siu, In re, 1955 C.D. 176; 696 O.G. 421 | 804.01 | 1237 | 706.03(k) |
| Smith, Ex parte, 1888 C.D. 131; 44 O.G. | | Williams, Ex parte, 1917 C.D. 73; 245 O.G. | |
| 1183 | 806.04(c) | 277 | 804.01 |
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| Snyder, Ex parte, 1904 C.D. 242; 110 O.G. | | 535 | 715 |
| 2636 | 810.02 | Wirt, Ex parte, 1905 C.D. 247; 117 O.G. 599 | 714.13 |
| Sol, In re, 1938 C.D. 723; 497 O.G. 546 | 706.03(z) | Youker, In re, 1935 C.D. 658; 461 O.G. 10 | 706.02 |
| Stalego et al. v. Haymes et al., 120 U.S.P.Q. | | Young, Ex parte, 18 Gour. 24:31 | 1213.01 |
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