

## Appendix II List of Decisions Cited

A, Ex parte, 17 USPQ2d 1716 (Bd. Pat. App. & Inter. 1990) . . . . .	716.02, 2131.02	Akzo N.V. v. International Trade Comm'n, 808 F.2d 1471, 1 USPQ2d 1241 (Fed. Cir. 1986) . . . . .	2131.02
Abacab Int'l Computers Ltd., In re, 21 USPQ2d 1078 (Comm'r Pat. 1987) . . . . .	323.01(b)	Alappat, In re, 33 F.3d 1526, 31 USPQ2d 1545 (Fed. Cir. 1994) . . . . .	2106, 2106.02
Abbott Laboratories v. Geneva Pharmaceuticals, Inc., 182 F.3d 1315, 51 USPQ2d 1307 (Fed. Cir. 1999) . . . . .	2112, 2133.03(c)	Albertson, In re, 332 F.2d 379, 141 USPQ 730 (CCPA 1964) . . . . .	2116.01
Abbott Laboratories v. Young, 920 F.2d 984, 17 USPQ2d 1027 (D.C. Cir. 1990) . . . . .	2751	Albrecht, In re, 514 F.2d 1389, 185 USPQ 585 (CCPA 1975) . . . . .	2144.08, 2144.09
Abele, In re, 684 F.2d 902, 214 USPQ 682 (CCPA 1982) . . . . .	2106, 2106.01, 2184	Alcon Laboratories Inc., In re, 13 USPQ2d 1115 (Comm'r Pat. & Tm. 1989) . . . . .	2751, 2755.01
Ackermann, In re, 444 F.2d 1172, 170 USPQ 340 (CCPA 1971) . . . . .	706.03(w)	Allen, Ex parte, 2 USPQ2d 1425 (Bd. Pat. App. & Inter. 1987) . . . . .	2105
ACTV, Inc. v. The Walt Disney Co., 346 F.3d 1082, 68 USPQ2d 1516 (Fed. Cir. 2003) . . . . .	2111.01	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)
Adidas Fabrique v. Andsmore Sportswear Corp., 578 F. Supp. 1568, 223 USPQ 1109 (S.D. N.Y. 1984) . . . . .	1504.06	Allen & Hansbury Ltd., 227 USPQ 955 (Comm'r Pat. & Tm. 1985) . . . . .	2756
Adler v. Kluver, 159 USPQ 511 (Bd. Pat. Inter. 1968) . . . . .	715.05	Aller, In re, 220 F.2d 454, 105 USPQ 233 (CCPA 1955) . . . . .	2144.05
Aelony v. Arni, 547 F.2d 566, 192 USPQ 486 (CCPA 1977) . . . . .	2301.03	Alpert v. Slatin, 305 F.2d 891, 134 USPQ 296 (CCPA 1962) . . . . .	2138.04
AFG Industries, Inc. v. Cardinal IG Company, Inc., 239 F.3d 1239, 57 USPQ2d 1776 (Fed. Cir. 2001) . . . . .	2111.03	Al-Site Corp. v. VSI International Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) . . . . .	2143.01, 2181, 2183, 2184
A.F. Stoddard & Co. v. Dann, 564 F.2d 556, 195 USPQ 97 (D.C. Cir. 1977) . . . . .	1412.04	Altiris Inc. v. Symantec Corp., 318 F.3d 1363, 65 USPQ2d 1865 (Fed. Cir. 2003) . . . . .	2111.01
Affidavit Filed After Final Registration, In re, 152 USPQ 292, 1966 C.D. 53 (Comm'r Pat. 1966) . . . . .	2265, 2665	Alton, In re, 76 F.3d 1168, 37 USPQ2d 1578 (Fed. Cir. 1996) . . . . .	2144.08, 2163, 2163.06, 2164.05
Ahlert, In re, 424 F.2d 1088, 165 USPQ 418 (CCPA 1970) . . . . .	2144.03	Altoona Publix Theatres v. American Tri-Ergon Corp., 294 U.S. 477, 24 USPQ 308 (1935) . . . . .	1490
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-Midland 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,

MANUAL OF PATENT EXAMINING PROCEDURE

2163.02, 2164.08, 2165.04, 2173.05(b), 2411.01	Appeal, Decided 9/3/68, Ex parte, 866 O.G. 16 (Bd. App. 1968) . . . . . 1504.02
Amgen, Inc. v. Hoechst Marion Roussel, Inc., 126 F. Supp. 2d 69, 57 USPQ2d 1449 (D. Mass. 2001) . . . . . 706.04	Appeal No. 194-38, 152 USPQ 70, 1955 C.D. 31 (Bd. App. 1965) . . . . . 901.05(b)
Amos, In re, 953 F.2d 613, 21 USPQ2d 1271 (Fed. Cir. 1991) . . . . . 1412.01	Appeal No. 239-48, 151 USPQ 711, 1966 C.D. 22, 833 O.G. 10 (Bd. App. 1965) . . . . 1504.02
Amp, In re, 212 USPQ 826 (Comm'r Pat. 1981) . . . . . 2225, 2625	Appeal No. 242-47, 196 USPQ 828 (Bd. App. 1976) . . . . . 901.05(b), 2135.01
Amphenol Corp. v. Gen'l Time Corp., 397 F.2d 431, 158 USPQ 113 (7th Cir. 1968) . . . . . 2133.03(e)(1)	Appeal No. 315-40, Ex Parte, 152 USPQ 71 (Bd. App. 1965) . . . . . 1504.05
Anchor Hocking Corp. v. Eyelet Spe- cialty Co., 377 F. Supp 98, 183 USPQ 87 (D. Del. 1974) . . . . . 1504.06	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)
Anderson, Ex parte, 21 USPQ2d 1241 (Bd. Pat. App. & Inter. 1991) . . . . . 2173.05(b)	Application of Takao, 17 USPQ2d 1155 (Comm'r Pat. 1990) . . . . . 711.03(c)
Anderson, In re, 471 F.2d 1237, 176 USPQ 331 (CCPA 1973) . . . . . 2163.07, 2181	Application Papers Filed Jan. 20, 1956, In re, 706 O.G. 4 (Comm'r Pat. 1956) . . . . . 714.07
Anderson's-Black Rock Inc. v. Pavement Salvage Co., 396 U.S. 57, 163 USPQ 673 (1969) . . . . . 716.01(a), 2141	Application Papers Filed Sept. 10, 1954, In re, 108 USPQ 340 (Comm'r Pat. 1955) . . . . . 409.03(c)
Anderson v. Crowther, 152 USPQ 504 (Bd. Pat. Inter. 1965) . . . . . 2138.06	Applied Materials Inc. v. Gemini Research Corp., 835 F.2d 279, 15 USPQ2d 1816 (Fed. Cir. 1988) . . . 2136.05, 2137.01
Andresen, Ex parte, 212 USPQ 100 (Bd. App. 1981) . . . . . 2004, 2137, 2141.01	Argoudelis, Ex parte, 157 USPQ 437 (Bd. App. 1967) . . . . . 1214.03
Andrew Corp. v. Gabriel Electronics, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988) . . . . . 2173.05(b)	Argoudelis, In re, 434 F.2d 1390, 168 USPQ 99 (CCPA 1970) . . . . . 2164.06, 2164.06(a), 2402
Angstadt, In re, 537 F.2d 498, 190 USPQ 214 (CCPA 1976) . . . 2164.01, 2164.06, 2164.08(b)	Armbruster, In re, 512 F. 2d 676, 185 USPQ 152 (CCPA 1975) . . . . . 608.01(b), 2161, 2181
Anthony, Ex parte, 230 USPQ 467 (Bd. App. 1982), aff'd 770 F.2d 182 (Fed. Cir. 1985) (table) . . . . . 1490	Armour & Co. v. Swift & Co., 466 F.2d 767, 175 USPQ 70 (7th Cir. 1972) . . . . . 2001.06(b)
Anthony, In re, 414 F. 2d 1383, 162 USPQ 594 (CCPA 1969) . . . . . 2107.01, 2107.03	Armstrong, In re, 280 F.2d 132, 126 USPQ 281 (CCPA 1960) . . . . . 716.02(e)
Antonie, In re, 559 F.2d 618, 195 USPQ 6 (CCPA 1977) . . . . . 2141.02, 2144.05	Arnott, In re, 19 USPQ2d 1049 (Comm'r Pat. 1991) . . . . . 1481
A&P Tea Co. v. Supermarket Corp., 340 U.S. 147 (1950) . . . . . 716.01(a)	Arrhythmia Research Tech. v. Corazonix Corp., 958 F.2d 1053, 22 USPQ2d 1033 (Fed. Cir. 1992) . . . . . 2106
	Arzberger, In re, 112 F.2d 834, 46 USPQ 32 (CCPA 1940) . . . . . 1601
	Asahi/America Inc., In re, 68 F.3d 442, 37 USPQ2d 1204 (Fed. Cir. 1995) . . . . . 715.07
	Asano, Ex parte, 201 USPQ 315 (Bd. Pat. App. & Inter. 1978) . . . . . 1503.02

LIST OF DECISIONS CITED

Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985) . . . 716.01(b), 716.01(c), 2144.08	Baker Hughes, Inc. v. Kirk, 921 F. Supp. 801, 38 USPQ2d 1885 (D.D.C. 1995) . . . .1410.01, 1412.04
Aslanian, In re, 590 F.2d 911, 200 USPQ 500 (CCPA 1979) . . . . .2125	Ball Corp., In re, 925 F.2d 1480, 18 USPQ2d 1491 (Fed. Cir. 1991) . . . . .2145
Atlantic Thermoplastics Co. v. Faytex Corp., 970 F.2d 834, 23 USPQ2d 1481 (Fed. Cir. 1992) . . . . . 2133.03(b), 2133.03(c)	Ball Corp. v. United States, 729 F.2d 1429, 221 USPQ 289 (Fed. Cir. 1984) . . . .1412.02, 1490
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)	Balzarini, Ex parte, 21 USPQ2d 1892 (Bd. Pat. App. & Inter. 1991) . . . . . 2107.03
Atlas Powder Co. v. IRECO, Inc., 190 F.3d 1342, 51 USPQ2d 1943 (Fed. Cir. 1999) . . . . .2112, 2131.01, 2131.05	Bancorp Services, L.L.C. v. Hartford Life Ins. Co., 359 F.3d 1367, 69 USPQ2d 1996 (Fed. Cir. 2004) . . . . . 2173.02
Atmel Corp. v. Information Storage Devices Inc., 198 F.3d 1374, 53 USPQ2d 1225 (Fed. Cir. 1999) . . . . . 2181	Bandel, In re, 348 F.2d 563, 146 USPQ 389 (CCPA 1965) . . . . .715
Atofina v. Great Lakes Chemical Corp, 441 F.3d 991 USPQ2d 1417 (Fed. Cir. 2006) . . . . . 2131.03	Barber, Ex parte, 187 USPQ 244 (Bd. App. 1974) . . . . . 2173.05(j)
AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999) . . . . .2106	Barber, In re, 81 F.2d 231, 28 USPQ 187 (CCPA 1936) . . . . .804
Attig, Ex parte, 7 USPQ2d 1092 (Bd. Pat. App. & Inter. 1986) . . . . . 2173.05(b)	Barker, In re, 559 F.2d 588, 194 USPQ 470 (CCPA 1977) . . . . . 2161, 2163
Autogiro Co. of America v. United States, 384 F.2d 391,155 USPQ 697 (Ct. Cl. 1967) . . . . .2163	Barmag Barmer Maschinenfabrik AG v. Murata Mach., Ltd., 731 F.2d 831, 221 USPQ 561 (Fed. Cir. 1984) . . . . .2133.03(b)
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	Barr, In re, 444 F.2d 588, 170 USPQ 330 (CCPA 1971) . . . . .2173.05(a), 2173.05(g), 2173.05(i)
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, Ex parte, 16 USPQ2d 1714 (Bd. Pat. App. & Inter. 1990) . . . . . 2136.01
Ayers, Ex parte, 108 USPQ 444 (Bd. App. 1955) . . . . . 608.04(a)	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
Azar v. Burns, 188 USPQ 601 (Bd. Pat. Inter. 1975) . . . . . 2138.05	Bartlett, In re, 300 F.2d 942, 133 USPQ 204 (CCPA 1962) . . . . . 1504.02
Badger, Ex parte, 1901 C.D. 195, 97 O.G. 1596 (Comm'r Pat. 1901) . . . . . 608.02(f)	Basmadjian v. Landry, 54 USPQ2d 1617, (Bd. Pat. App. & Inter. 1997) . . . . .2305
Baird, In re, 16 F.3d 380, 29 USPQ2d 1550 (Fed. Cir. 1994) . . . . .2144.05, 2144.08, 2163	Bass, In re, 314 F.3d 575, 65 USPQ2d 1156 (Fed. Cir. 2002) . . . . . 2258.01
	Bass, In re, 474 F.2d 1276, 177 USPQ 178 (CCPA 1973) . . . . . 715, 2004, 2138, 2138.03
	Bausch & Lomb v. Barnes-Hind/Hydrocurve, Inc., 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986) . . . . . 2141.02
	Baxter Diagnostics v. AVL Scientific Corp., 798 F. Supp. 612, 25 USPQ2d 1428 (C.D., Cal. 1992) . . . . .2751

MANUAL OF PATENT EXAMINING PROCEDURE

Baxter, In re, 656 F.2d 679, 210 USPQ 795 (CCPA 1987) . . . . .	2111.03	Berkman, In re, 642 F.2d 427, 209 USPQ 45 (CCPA 1981) . . . . .	1504.04, 1504.20
Baxter Travenol Labs., In re, 952 F.2d 388, 21 USPQ2d 1281 (Fed. Cir. 1991) . . .	2131.01, 2145	Berman v. Housey, 291 F.3d 1345, 63 USPQ2d 1023 (Fed. Cir. 2002) . . . . .	2303
Bayer, In re, 568 F.2d 1357, 196 USPQ 670 (CCPA 1978) . . . . .	2128.01	Bernhardt, L.L.C. v. Collezione Europa USA, Inc., 386 F.3d 1371, 72 USPQ2d, 1901 (Fed. Cir. 2004) . . . . .	2133.03(a)
B. Braun Medical, Inc. v. Abbott Labs, 124 F.3d 1419, 43 USPQ2d 1896 (Fed. Cir. 1997) . . . . .	2163, 2181, 2182	Bernhart, In re, 417 F.2d 1395, 163 USPQ 611 (CCPA 1969) . . . . .	2173.05(j)
Beattie, In re, 974 F.2d 1309, 24 USPQ2d 1040 (Fed. Cir. 1992) . . . . .	716.01(c), 2144.08	Berry Sterling Corp. v. Pescor Plastics Inc., 122 F.3d 1452, 43 USPQ2d 1953 (Fed. Cir. 1997) . . . . .	1504.01(c)
Beck, In re, 155 F.2d 398, 69 USPQ 520 (CCPA 1946) . . . . .	715.01(b)	Bertsch, In re, 132 F.2d 1014, 56 USPQ 379 (CCPA 1942) . . . . .	2111.03
Beckman Instruments v. LKB Produkter AB, 892 F.2d 1547, 13 USPQ2d 1301 (Fed. Cir. 1989) . . . . .	2121.01	Best, In re, 562 F.2d 1252, 195 USPQ 430 (CCPA 1977) . . . . .	2112, 2112.01, 2112.02
Beech Aircraft Corp. v. EDO Corp., 990 F.2d 1237, 26 USPQ2d 1572 (Fed. Cir. 1993) . . . . .	301	Bey v. Kollonitsch, 806 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) . . . . .	2138.06
Belk, Ex parte, 161 USPQ 795 (Bd. Pat. App. 1968) . . . . .	901.05, 901.05(b), 2135.01	BIC Leisure Prods., Inc., v. Windsurfing Int'l, Inc., 1 F.3d 1214, 27 USPQ2d 1671 (Fed. Cir. 1993) . . . . .	1457
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	Bird Provision Co. v. Owens Country Sausage, Inc., 568 F.2d 369, 197 USPQ 134 (5th Cir. 1978) . . . . .	2133.03(a)
Benno, In re, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985) . . . . .	2163, 2163.06	Birmingham v. Randall, 171 F.2d 957, 80 USPQ 371 (CCPA 1948) . . . . .	2138.05
Benson, In re, 122 USPQ 279, 1959 C.D. 5, 744 O.G. 353 (Comm'r Pat. 1959) . . . . .	608.01, 714.07	Black & Decker, Inc. v. Pittway Corp., 636 F.2d 1193, 231 USPQ 252 (N.D. Ill. 1986) . . . . .	1504.02
Berg, In re, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998) . . . . .	804	Blacklight Power, Inc. v. Rogan, 295 F.3d 1269, 63 USPQ2d 1534 (Fed. Cir. 2002). 1134, 1308	
Berger, In re, 279 F.3d 975, 61 USPQ2d 1523 (Fed. Cir. 2002) . . . . .	2304.02(c)	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)
Bergstrom, In re, 427 F.2d 1394, 166 USPQ 256 (CCPA 1970) . . . . .	2144.04	Blake, In re, 358 F.2d 750, 149 USPQ 217 (CCPA 1966) . . . . .	715.07
		Blanc, Ex parte, 13 USPQ2d 1383 (Bd. Pat. App. & Inter. 1989) . . . . .	716.02(c), 2142,

LIST OF DECISIONS CITED

	2143.02	Borkowski, In re, 505 F.2d 713, 184 USPQ 29 (CCPA 1974) . . . . .	715.07
Bland, Ex parte, 3 USPQ2d 1103 (Bd. Pat App. & Inter. 1986) . . . . .	2141.01(a)	Bose Corp. v. JBL, Inc., 274 F.3d 1354, 61 USPQ2d 1216 (Fed. Cir. 2001) . . . . .	2173.05
Blattner, Ex parte, 2 USPQ2d 2047 (Bd. Pat. App. & Inter. 1987) . . . . .	2144.09	Bosies v. Benedict, 27 F.3d 539, 30 USPQ2d 1862 (Fed. Cir. 1994) . . . . .	2138.04
Blisscraft of Hollywood v. United Plastic Co., 189 F. Supp 333, 127 USPQ 452 (S.D.N.Y. 1960) . . . . .	1504.01(c)	Bostwick, In re, 102 F.2d 886, 41 USPQ 279 (CCPA 1939) . . . . .	1449.02
Blondel, In re, 499 F.2d 1311, 182 USPQ 294 (CCPA 1974) . . . . .	716.02(b)	Bosy, In re, 360 F.2d 972, 149 USPQ 789 (CCPA 1966) . . . . .	2165.01
Blonder-Tongue Labs., Inc. v. Univ. of Ill., Foundation, 402 U.S. 313, 169 USPQ 513 (1971) . . . . .	2012.01	Bourne v. Jones, 114 F. Supp 413, 98 USPQ 206 (S.D. Fla. 1951) . . . . .	2133.03(e)(7)
Blout, In re, 333 F.2d 928, 142 USPQ 173 (CCPA 1964) . . . . .	715	Bowen, In re, 492 F.2d 859, 181 USPQ 48 (CCPA 1974) . . . . .	2164.04
Blum, In re, 374 F.2d 904, 153 USPQ 177 (CCPA 1967) . . . . .	1503.01, 1503.02, 1503.03	Bowers, In re, 359 F.2d 886, 149 USPQ 570 (CCPA 1966) . . . . .	706.02(1)(2), 804
Blumcraft of Pittsburgh v. Ladd, 238 F. Supp. 648, 144 USPQ 562 (D.D.C. 1965) . . . . .	1504.05, 1504.06	Bowser Inc. v. United States, 388 F.2d 346, 156 USPQ 406 (Ct. Cl. 1967) . . . . .	2141
Board of Education ex rel. Board of Trustees of Florida State Univ. v. Amer- ican Bioscience Inc., 333 F.3d 1330, 67 USPQ2d 1252 (Fed. Cir. 2003) . . . . .	2137.01	Bowyer, Ex parte, 42 USPQ 526, 1939 C.D. 5, 505 O.G. 759 (Comm'r Pat. 1939) . . . . .	715.07(b)
Boeing Co. v. Comm'r Pat., 853 F.2d 878, 7 USPQ2d 1487 (Fed. Cir. 1988) . . . . .	2279	Braat, In re, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991) . . . . .	804
Boesch, In re, 617 F.2d 272, 205 USPQ 215 (CCPA 1980) . . . . .	716.02(b), 2144.05	Brader v. Schaeffer, 193 USPQ 627 (Bd. Pat. Inter. 1976) . . . . .	2137.01
Bogese, In re, 303 F.3d 1362, 64 USPQ2d 1448 (Fed. Cir. 2002) . . . . .	2190	Bradley, In re, 600 F.2d 807, 202 USPQ 480 (CCPA 1979) . . . . .	2106.02
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, 2107.02, 2107.03, 2164.01(c), 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(1), 2164.02, 2174	Breslow, In re, 616 F.2d 516, 205 USPQ 221 (CCPA 1980) . . . . .	2164.01(b)

MANUAL OF PATENT EXAMINING PROCEDURE

Brian, Ex parte, 118 USPQ 242 (Bd. App. 1958) . . . . .	2173.05(t)	Bundy, In re, 642 F.2d 430, 209 USPQ 48 (CCPA 1981) . . . . .	2107.02, 2164.04, 2164.06(b), 2164.07, 2165.04
Bridgford, In re, 357 F.2d 679, 149 USPQ 55 (CCPA 1966) . . . . .	806.05(f)	Burckel, In re, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979) . . . . .	716.02(e)
Bristol-Myers Squibb Co. v. Pharmachemie BV, 361 F.3d 1343, 70 USPQ2d 1097 (Fed. Cir. 2004) . . . . .	804.01, 819	Burhans, In re, 154 F.2d 690, 69 USPQ 330 (CCPA 1946) . . . . .	2144.04
Bristol-Myers Squibb Co. v. Rhone Poulenc Rorer, Inc., 326 F.3d 1226, 66 USPQ2d 1481 (Fed. Cir. 2003) . . . . .	2001.04	Burlington Industries Inc. v. Quigg, 822 F.2d 1581, 3 USPQ2d 1436 (Fed. Cir. 1987) . . . . .	716.05
Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 67 USPQ2d 1132 (Fed. Cir. 2003) . . . . .	2106, 2111.01	Burroughs Wellcome Co. v. Barr Labs., Inc., 40 F.3d 1223, 32 USPQ2d 1915 (Fed. Cir. 1994) . . . . .	2138.04, 2163
Brooktree Corp. v. Advanced Micro Devices, Inc., 977 F.2d 1555, 24 USPQ2d 1401 (Fed. Cir. 1992) . . . . .	2107.01	Burrowes, Ex parte, 1904 C.D. 155, 110 O.G. 599 (Comm'r Pat. 1904) . . . . .	1214.01, 2682
Broos v. Barton, 142 F.2d 690, 61 USPQ 447 (CCPA 1944) . . . . .	2138.06	Busse, Ex parte, 1 USPQ2d 1908 (Bd. Pat. App. & Inter. 1986) . . . . .	2107.03
Brouwer, In re, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996) . . . . .	706.02(n), 2116.01, 2144.08	Butera, In re, 1 F.3d 1252, 28 USPQ2d 1399 (Fed. Cir. 1993) . . . . .	2141.01(a)
Brower, In re, 433 F.2d 813, 167 USPQ 684 (CCPA 1970) . . . . .	2172	Buting, In re, 418 F.2d 540, 163 USPQ 689 (CCPA 1969) . . . . .	2107.03
Brown, In re, 459 F.2d 531, 173 USPQ 685 (CCPA 1972) . . . . .	2113, 2183	C, Ex parte, 27 USPQ2d 1492 (Bd. Pat. App. & Inter. 1992) . . . . .	716.02(b), 2133.03(a)
Brown, In re, 477 F.2d 946, 177 USPQ 691 (CCPA 1973) . . . . .	2161.01, 2164.06(c)	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 v. 3M, 265 F.3d 1349, 60 USPQ2d 1375 (Fed. Cir. 2001) . . . . .	2131	Cady, Ex parte, 1916 C.D. 62, 232 O.G. 621 (Comm'r Pat. 1916) . . . . .	1502, 1504.04
Bruckelmyer v. Ground Heaters, Inc., 445 F. 3d 1374, 78 USPQ2d 1684 (Fed. Cir. 2006) . . . . .	2127	Caldwell, Ex parte, 1906 C.D. 58 (Comm'r Pat. 1906) . . . . .	2173.05(b)
Brummer, Ex parte, 12 USPQ2d 1653 (Bd. Pat. App. & Inter. 1989) . . . . .	2173.05(b)	California Research Corp. v. Ladd, 356 F.2d 813, 148 USPQ 404 (D.C. Cir. 1966) . . . . .	1216.02
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	Callicrate vs. Wadsworth Mfg., Inc., 427 F.3d 1361, 77 USPQ2d 1041 (Fed. Cir. 2005) . . . . .	2164.01
Budde v. Harley-Davidson, Inc., 250 F.3d 1369, 58 USPQ2d 1801 (Fed. Cir. 2001) . . . . .	2181, 2182	Campbell, In re, 212 F.2d 606, 101 USPQ 406 (CCPA 1954) . . . . .	1504.20
Budnick, In re, 537 F.2d 535, 190 USPQ 422 (CCPA 1976) . . . . .	2164.05(a), 2164.06(c)	Capon v. Eshhar, 418 F.3d 1349, 76 USPQ2d 1078 (Fed. Cir. 2005) . . . . .	2163
Buildex v. Kason Indus., 849 F.2d 1461, 7 USPQ2d 1325 (Fed. Cir. 1988) . . . . .	2133.03(b)	Card, Ex parte, 1904 C.D. 383 (Comm'r Pat. 1904) . . . . .	2301.03
Bullier, Ex parte, 1899 C.D. 155, 88 O.G. 1161 (Comm'r Pat. 1899) . . . . .	709.01	Cardiac Pacemakers, Inc. v. St. Jude Med., Inc., 296 F.3d 1106, 63 USPQ2d 1725 (Fed. Cir. 2002) . . . . .	2181, 2182
		Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986) . . . . .	2128, 2132

LIST OF DECISIONS CITED

Carl Zeiss Stiftung v. Renishaw PLC, 945 F.2d 1173, 20 USPQ2d 1094 (Fed. Cir. 1991) . . . . .	2107.01, 2107.02	Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 47 USPQ2d 1516 (Fed. Cir. 1998) . . . . .	2123, 2131.05
Carletti, In re, 328 F.2d 1020, 140 USPQ 653 (CCPA 1964) . . . . .	1504.01(c)	Certain Limited-Charge Cell Culture Microcarriers, 221 USPQ 1165 (Int'l Trade Comm'n 1983), . . . . .	2164.01
Carlson, In re, 983 F.2d 1032, 25 USPQ2d 1207 (Fed. Cir. 1992). . . . .	2126	CFMT, Inc. v. Yieldup Int'l Corp., 349 F.3d 1333, 68 USPQ2d 1940 (Fed. Cir. 2003) . . . . .	2164
Carman Indus. Inc. v. Wahl, 724 F.2d 932, 220 USPQ 481 (Fed. Cir. 1983) . . . . .	804, 1504.06	Chandler, In re, 319 F.2d 211, 138 USPQ 138 (CCPA 1963) . . . . .	2173.05(n)
Carreira, In re, 532 F.2d 1356, 189 USPQ 461 (CCPA 1976) . . . . .	716.10, 2136.05	Chapman, In re, 357 F.2d 418, 148 USPQ 711 (CCPA 1966) . . . . .	716.02(e)
Carroll, In re, 601 F.2d 1184, 202 USPQ 571 (CCPA 1979) . . . . .	716.01(c)	Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 69 USPQ2d 1857 (Fed. Cir. 2004). . . . .	2111.01
Carter, In re, 673 F.2d 1378, 213 USPQ 625 (CCPA 1982) . . . . .	1504.03	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-Wallace, Inc. v. Riverton Labs., Inc., 433 F.2d 1034, 167 USPQ 656 (2d Cir. 1970) . . . . .	2165.01	Chemithon Corp. v. Procter & Gamble Co., 287 F. Supp 291, 159 USPQ 139 (D. Md. 1968) . . . . .	2133.03(a)
Case v. CPC Int'l Inc., 730 F.2d 745, 221 USPQ 196 (Fed. Cir. 1984). . . . .	2301.03	Chevenard, In re, 139 F.2d 71, 60 USPQ 239 (CCPA 1943) . . . . .	2144.03
Casey, In re, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) . . . . .	2115	Chicago Historical Antique Auto. Museum, Inc., In re, 197 USPQ 289 (Comm'r Pat. 1978) . . . . .	513
Catalina Mktg. Int'l v. Coolsavings.com, Inc., 289 F.3d 801, 62 USPQ2d 1781(Fed. Cir. 2002). . . . .	2111.02	Chicago Rawhide Mfg. Co., Ex parte, 223 USPQ 351 (Bd. Pat. App. & Inter. 1984) . . . . .	2144.04, 2241, 2258.01, 2642
Cataphote Corp. v. Desoto Chem. Coat- ings, Inc., 356 F.2d 24, 148 USPQ 229 (9th Cir.) . . . . .	2133.03(e)(1)	Chicopee Mfg. Corp. v. Columbus Fiber Mills Co., 165 F. Supp. 307, 118 USPQ 53 (M.D. Ga. 1958) . . . . .	2133.03(e)(1)
Caterpillar Inc. v. Deere & Co., 224 F.3d 1374, 56 USPQ2d 1305 (Fed. Cir. 2000) . . . . .	2183, 2184	Chiddix, In re, 209 USPQ 78 (Comm'r Pat. 1980) . . . . .	1205.02
Caterpillar Inc. v. Detroit Diesel Corp., 961 F. Supp. 1249, 41 USPQ2d 1876 (N.D. Ind. 1996) . . . . .	2181	Chilowski, In re, 229 F.2d 457, 108 USPQ 321 (CCPA 1956). . . . .	2107.01, 2107.02, 2107.03, 2164.02, 2164.07
Caterpillar Tractor Co. v. Comm'r Pat., 650 F. Supp. 218, 231 USPQ 590 (E.D. Va. 1986). . . . .	1850	Chilowsky, In re, 306 F.2d 908, 134 USPQ 515 (CCPA 1962). . . . .	716.01(c)
Cavallito, In re, 282 F.2d 363, 127 USPQ 206 (CCPA 1960) . . . . .	2164.07	Chiron v. Corp. v. Genentech Inc., 363 F.3d 1247, 70 USPQ2d 1321 (Fed. Cir. 2004) . . . . .	2164.03, 2164.05(a)
Cavallito, In re, 306 F.2d 505, 134 USPQ 370 (CCPA 1962) . . . . .	2164.07	Chiuminata 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		
Caveney, In re, 761 F.2d 671, 226 USPQ 1 (Fed. Cir. 1985) . . . . .	2133.03(b)		

MANUAL OF PATENT EXAMINING PROCEDURE

Chore-Time Equipment, Inc. v. Cumberland Corp., 713 F.2d 774, 218 USPQ 673 (Fed. Cir. 1983) . . . . .	2141.03	Coca-Cola Co. v. Gemini Rising Inc., 346 F. Supp. 1183, 175 USPQ 56 (E.D.N.Y. 1972) . . . . .	1512
Christensen, In re, 330 F.2d 652, 141 USPQ 295 (CCPA 1964) . . . . .	804.03	Cofer, In re, 354 F.2d 664, 148 USPQ 268 (CCPA 1966) . . . . .	2144.04
Christie v. Seybold, 1893 C.D. 515, 64 O.G. 1650 (6th Cir. 1893) . . . . .	715.07(a)	Cogar v. Schuyler, 464 F.2d 747, 173 USPQ 389 (D.C. Cir. 1972) . . . . .	409.03(i)
Chromalloy American Corp. v. Alloy Surfaces Co., 339 F.Supp 859, 173 USPQ 295 (D. Del. 1972) . . . . .	201.11, 2004, 2012, 2016	Cohn, In re, 438 F.2d 984, 169 USPQ 95 (CCPA 1971) . . . . .	2173.03
Chu, In re, 66 F.3d 292, 36 USPQ2d 1089 (Fed. Cir. 1995) . . . . .	201.11, 716.02(f), 1504.20, 2144.08,	Colbert v. Lofdahl, 21 USPQ2d 1068 (Bd. Pat. App. & Inter. 1991) . . . . .	2138.02
Chupp, In re, 816 F.2d 643, 2 USPQ2d 1437 (Fed. Cir. 1987) . . . . .	716.01(d), 716.02(a), 2144.08	Cole, In re, 326 F.2d 769, 140 USPQ 230 (CCPA 1964) . . . . .	2164.06(c)
Ciric v. Flanigen, 511 F.2d 1182, 185 USPQ 103 (CCPA 1975) . . . . .	2138.05	Cole v. Kimberly-Clark Corp., 102 F.3d 524, 41 USPQ2d 1001 (Fed. Cir. 1996) . . . . .	2181
Citron, In re, 325 F.2d 248, 139 USPQ 516 (CCPA 1963) . . . . .	2107.01, 2107.02, 2107.03	Coleman v. Dines, 754 F.2d 353, 224 USPQ 857 (Fed. Cir. 1985) . . . . .	2138.04
Clamp, In re, 151 USPQ 423 (Comm'r Pat. 1966) . . . . .	201.13	Colianni, In re, 561 F.2d 220, 195 USPQ 150 (CCPA 1977) . . . . .	2164.06, 2164.06(b)
Clapp, Ex parte, 227 USPQ 972 (Bd. Pat. App & Inter. 1985) . . . . .	706.02(j), 2142, 2144	Collier, In re, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968) . . . . .	2163, 2163.05, 2172.01, 2173.05(k)
Clark, Ex parte, 174 USPQ 40 (Bd. App. 1971) . . . . .	2173.05(o)	Comstock, In re, 481 F.2d 905, 178 USPQ 616 (CCPA 1973) . . . . .	2164.06(c)
Clark, In re, 522 F.2d 623, 187 USPQ 209 (CCPA 1975) . . . . .	2012, 2012.01, 2016	Comstock, Ex parte, 1923 C.D. 82, 317 O.G. 4 (Comm'r Pat. 1923) . . . . .	1214.01, 2682
Clark, In re, 457 F.2d 1004, 173 USPQ 359 (CCPA 1972) . . . . .	715.05	Consolidated Aluminum Corp. v. Foseco Inc., 910 F.2d 804, 15 USPQ2d 1481 (Fed. Cir. 1990) . . . . .	2165
Clarke, In re, 356 F.2d 987, 148 USPQ 665 (CCPA 1966) . . . . .	715.03	Consolidated Edison Co. v. NLRB, 305 U.S. 197 (1938) . . . . .	1216.01
Clay, In re, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992) . . . . .	2141.01(a), 2144.08	Consolidated Fruit-Jar Co. v. Wright, 94 U.S. 92 (1876) . . . . .	2133.03(b)
Clemens, In re, 622 F.2d 1029, 206 USPQ 289 (CCPA 1980) . . . . .	716.02(d), 2144.08	Constant, In re, 827 F.2d 728, 3 USPQ2d 1479 (Fed. Cir. 1987) . . . . .	1414
Clement, In re, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997) . . . . .	1412.02	Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988) . . . . .	2128.02, 2145
Clifford, Ex parte, 49 USPQ 152 (Bd. App. 1940) . . . . .	901.02	Contico International, Inc. v. Rubbermaid Commercial Products, Inc., 506 F. Supp. 1072, 210 USPQ 649 (8th Cir. 1981) . . . . .	1504.01(c)
Clinical Products Ltd. v. Brenner, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966) . . . . .	706.03(d), 2173.05(q)	Continental Can Co., Inc. v. Schuyler, 326 F. Supp 283, 168 USPQ 625 (D.D.C. 1970) . . . . .	1216.01
Cloud v. Standard Packaging Corp., 376 F.2d 384, 153 USPQ 317 (7th Cir. 1967) . . . . .	2133.03(e)(1)	Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 20 USPQ2d 1746 (Fed. Cir. 1991) . . . . .	2131.01



LIST OF DECISIONS CITED

Cook, In re, 439 F.2d 730, 169 USPQ 298 (CCPA 1971) . . . . .	2164.03, 2164.08(b)	Cronyn, In re, 890 F.2d 1158, 13 USPQ2d 1070 (Fed. Cir.1989) . . . . .	2128.01
Cooper v. Goldfarb, 154 F.3d 1321, 47 USPQ2d 1896 (Fed. Cir. 1998) . . . . .	2163	Crosby, In re, 157 F.2d 198, 71 USPQ 73 (CCPA 1946) . . . . .	716.07
Cooper v. Goldfarb, 240 F.3d 1378, 57 USPQ2d 1990 (Fed. Cir. 2001) . . . . .	2138.05	Cross v. Iizuka, 753 F.2d 1040, 224 USPQ 739 (Fed. Cir. 1985) . . . . .	2107.01, 2107.03, 2164.02
Cooper, In re, 230 USPQ 638 (Dep. Assist. Comm'r Pat. 1986) . . . . .	201.03	Crossman, In re, 187 USPQ 367 (PTO Solicitor 1975) . . . . .	103
Copenhaver, Ex parte, 109 USPQ 118 (Bd. App. 1955) . . . . .	2173.05(b)	Cruciferous Sprout Litig., In re, 301 F.3d 1343, 64 USPQ2d 1202 (Fed. Cir. 2002) . . . . .	2111.02
Corba, In re, 212 USPQ 825 (Comm'r Pat. 1981) . . . . .	1504.20	Crystal Semiconductor Corp. v. TriTech Microelectronics Int'l Inc., 246 F.3d 1336, 57 USPQ2d 1953 (Fed. Cir. 2001) . . . . .	2111.03
Corbett v. Chisholm, 568 F.2d 759, 196 USPQ 337 (CCPA 1977) . . . . .	2307	CTS Corp. v. Electro Materials Corp. of America, 469 F. Supp. 801, 202 USPQ 22 (S.D. N.Y. 1979) . . . . .	2133.03(b)
Cordova, Ex parte, 10 USPQ2d 1949 (Bd. Pat. App. & Inter. 1989) . . . . .	2173.05(h)	CTS Corp. v. Piher Int'l Corp., 593 F.2d 777, 201 USPQ 649 (7th Cir. 1979) . . . . .	2133.03(d)
Corkill, In re, 711 F.2d 1496, 226 USPQ 1005 (Fed. Cir. 1985) . . . . .	716.02(a), 2107.02	Curtis, In re, 354 F.3d 1347, 69 USPQ2d 1274 (Fed. Cir. 2004) . . . . .	2163, 2163.05
Cormany, In re, 476 F.2d 998, 177 USPQ 450 (CCPA 1973) . . . . .	2172	Cutter Co. v. Metropolitan Elec. Mfg. Co., 275 F. 158 (2d Cir. 1921) . . . . .	603.01
Corneil, In re, 347 F.2d 563, 145 USPQ 702 (CCPA 1965) . . . . .	2124	Dailey, In re, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) . . . . .	2144.04
Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., 868 F.2d 1251, 9 USPQ2d 1962 (Fed. Cir. 1989) . . . . .	2111.02, 2163	Dale Electronics Inc. v. R.C.L. Electronics, 488 F.2d 382, 180 USPQ 225 (1st Cir. 1973) . . . . .	2004
Corning v. Burden, 56 U.S. (15 How.) 252, 14 L.Ed. 683 (1854) . . . . .	2106	Dallas Cowboys Cheerleaders, Inc. v. Pussycat Cinema, Ltd., 604 F.2d 200, 203 USPQ 161 (2d Cir. 1979) . . . . .	1512
Cornwall, In re, 230 F.2d 457, 109 USPQ 57 (CCPA 1956) . . . . .	1504.02, 1504.03	Dana Corp. v. IPC Ltd. Partnership, 860 F.2d 415, 8 USPQ2d 1692 (Fed. Cir. 1988) . . . . .	608.01(h), 2165.04
Correge v. Murphy, 705 F.2d 1326, 217 USPQ 753 (Fed. Cir. 1983) . . . . .	2138.03	Dance, In re, 160 F.3d 1339, 48 USPQ2d 1635 (Fed. Cir. 1998) . . . . .	2143.01
Cortright, In re, 165 F.3d 1353, 49 USPQ2d 1464 (Fed. Cir. 1999) . . . . .	2111, 2164.04	Daniels, In re, 144 F.3d 1452, 46 USPQ2d 1788 (Fed. Cir. 1998) . . . . .	1503.02, 1504.04
Costello, In re, 717 F.2d 1346, 219 USPQ 389 (Fed. Cir. 1983) . . . . .	716.10, 2136.05, 2137, 2138, 2138.04, 2138.05	Danly, In re, 263 F.2d 844, 120 USPQ 528 (CCPA 1959) . . . . .	2114
Craig, In re, 411 F.2d 1333, 162 USPQ 157 (CCPA 1969) . . . . .	706.03(w)	Dann v. Johnston, 425 U.S. 219, 189 USPQ 257 (1976) . . . . .	716.01(a)
Crish, In re, 393 F.3d 1253, 73 USPQ2d 1364 (Fed. Cir. 2004) . . . . .	2111.03, 2112	Dart Indus. v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980) . . . . .	201.06(c), 201.11
Critikon, Inc. v. Becton Dickinson Vascular Access, Inc., 120 F.3d 1253, 43 USPQ2d 1666 (Fed. Cir. 1997) . . . . .	2001.06(c)	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)
Crockett, In re, 279 F.2d 274, 126 USPQ 186 (CCPA 1960) . . . . .	2144.06		
Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc., 424 F.3d 1293, 76 USPQ2d 1662 (Fed. Cir. 2005) . . . . .	2144		

MANUAL OF PATENT EXAMINING PROCEDURE

Data Line Corp. v. Micro Technologies, Inc., 813 F.2d 1196, 1 USPQ2d 2052 (Fed. Cir. 1987) . . . . .	2183, 2184	Dembiczak, In re, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999) . . . . .	1504.06, 2144.04
Datamize LLC v. Plumtree Software, Inc., 417 F.3d 1342, 75 USPQ2d 1801 (Fed. Cir. 2005) . . . . .	2173.05(b)	Deminski, In re, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986) . . . . .	2141.01(a)
Davis, Ex parte, 80 USPQ 448 (Bd. App. 1948) . . . . .	2111.03, 2163	De Seversky, In re, 474 F.2d 671, 177 USPQ 144 (CCPA 1973) . . . . .	201.06(c), 608.01(p), 1504.05
Davis, Ex parte, 56 USPQ2d 1434 (Bd. Pat. App. & Inter. 2000) . . . . .	804	DeSeversky v. Brenner, 424 F.2d 857, 164 USPQ 495 (D.C. Cir. 1970) . . . . .	1216.02
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), 2144.08	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) . . . . .	2144, 2144.08, 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
		Donaldson, Ex parte, 26 USPQ2d 1250 (Bd. Pat. App. & Inter. 1992) . . . . .	1504.01
		Donohue, In re, 550 F.2d 1269, 193 USPQ 136 (CCPA 1977) . . . . .	2106, 2164.06,

LIST OF DECISIONS CITED

	2164.06(a)	Dunne, Ex parte, 20 USPQ2d 1479 (Bd. Pat. App. & Inter. 1991) . . . . .	2134
Donohue, In re, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985) . . . . .	2121.01, 2121.02, 2131.01	Durden, In re, 763 F.2d 1406, 226 USPQ 359 (Fed. Cir. 1985) . . . . .	2116.01
Donovan, Ex parte, 1890 C.D. 109, 52 O.G. 309 (Comm'r Pat. 1890) . . . . .	715.07	Dybel, In re, 524 F.2d 1393, 187 USPQ 593 (CCPA 1975) . . . . .	2133.03(b), 2133.03(e)(3)
Dossel, In re, 115 F.3d 942, 42 USPQ2d 1881 (Fed. Cir. 1997) . . . . .	2181, 2185	E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 67 USPQ2d 1947 (Fed. Cir. 2003) . . . . .	2106, 2111.01
Dotter, Ex parte, 12 USPQ 382 (Bd. App. 1931) . . . . .	2173.05(h)	East Chicago Machine Tool Corp. v. Stone Container Corp., 181 USPQ 744 (N.D. Ill. 1974) . . . . .	2012
Dow Chem. Co., In re, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988) . . . . .	716.05, 2144.08	Eastwood, Ex parte, 163 USPQ 316 (Bd. App. 1968) . . . . .	2173.05(b)
Dow Chem. Co. v. American Cyanamid Co., 816 F.2d 617, 2 USPQ2d 1350 (Fed. Cir. 1987) . . . . .	716.06, 2144.08	Eaton v. Evans, 204 F.3d 1094, 53 USPQ2d 1696 (Fed. Cir. 2000) . . . . .	2138.05
Dow Chem. Co. v. Astro-Valcour, Inc., 267 F.3d 1334, 60 USPQ2d 1519 (Fed. Cir. 2001) . . . . .	2138.04	Ebata, Ex parte, 19 USPQ2d 1952 (Bd. Pat. App. & Inter. 1991) . . . . .	2136.03
Doyle, In re, 482 F.2d 1385, 179 USPQ 227 (CCPA 1973) . . . . .	1445, 2161.01	Eckel, In re, 393 F.2d 848, 157 USPQ 415 (CCPA 1968) . . . . .	804.02
Doyle, In re, 293 F.3d 1355, 63 USPQ2d 1161 (Fed. Cir. 2002) . . . . .	1412.01	Edge, In re, 359 F.2d 896, 149 USPQ 556 (CCPA 1966) . . . . .	2144.04
Dresser Indus. Inc. v. Ford Motor Co., 530 F. Supp. 303, 211 USPQ 1114 (N.D. Texas, 1981) . . . . .	2286, 2686.04	Edgerton v. Kingsland, 168 F.2d 121, 75 USPQ 307 (D.C. Cir. 1947) . . . . .	706.03(w)
Driscoll v. Cebalo, 5 USPQ2d 1477 (Bd. Pat. Inter. 1982) . . . . .	2137.01	Edwards, In re, 568 F.2d 1349, 196 USPQ 465 (CCPA 1978) . . . . .	2138.05
Druey, In re, 319 F.2d 237, 138 USPQ 39 (CCPA 1963) . . . . .	2144.08	Edwards v. Strazzabosco, 58 USPQ2d 1836 (Bd. Pat. App. & Inter. 2001) . . . . .	2305
DSL Dynamic Sciences, Ltd. v. Union Switch & Signal, Inc., 928 F.2d 1122, 18 USPQ2d 1152 (Fed. Cir. 1991) . . . . .	2138.05	Egbers, In re, 6 USPQ2d 1869 (Comm'r Pat. 1988) . . . . .	711.03(c)
Dubno, In re, 12 USPQ2d 1153 (Comm'r Pat. & Tm. 1989) . . . . .	2763	Egbert v. Lippmann, 104 U.S. 333 (1881) . . . . .	2133.03(a)
Dubost v. U.S. Patent and Trademark Office, 777 F.2d 1561, 227 USPQ 977 (Fed. Cir. 1985) . . . . .	201.13	Eggan, Ex parte, 1911 C.D. 213, 172 O.G. 1091 (Comm'r Pat. 1911) . . . . .	403.01, 403.02
Dulberg, In re, 289 F.2d 522, 129 USPQ 348 (CCPA 1961) . . . . .	2144.04	Eggert, Ex parte, 67 USPQ2d 1716 (Bd. Pat. App. & Inter. 2003) . . . . .	1412.02
Dunki, Ex parte, 153 USPQ 678 (Bd. App. 1967) . . . . .	706.03(d), 2173.05(q)	Ehrreich, In re, 590 F.2d 902, 200 USPQ 504 (CCPA 1979) . . . . .	2129, 2172, 2411.01
Dunlop Holdings, Ltd. v. Ram Golf Corp., 524 F.2d 33, 188 USPQ 481 (7th Cir. 1975) . . . . .	2133.03(a)	E.I. du Pont de Nemours & Co. v. Berkeley and Co., 620 F.2d 1247, 205 USPQ 1 (8th Cir. 1980) . . . . .	2107.01
Dunn, In re, 349 F.2d 433, 146 USPQ 479 (CCPA 1965) . . . . .	804.02	E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co., 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988) . . . . .	2138
Dunn v. Ragin, 50 USPQ 472 (Bd. Pat. Inter. 1941) . . . . .	2138.02, 2138.04	Eickmeyer, In re, 602 F.2d 974, 202 USPQ 655 (CCPA 1979) . . . . .	715.05, 715.07
		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	Envirco 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)	Environ 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, 2145	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	Floyd, In re, Appeal No. 94-1071, slip op. at page 4 (Fed. Cir. July 20, 1994) . . . . . 2144.07
Ferag AG v. Quipp, Inc., 45 F.3d 1562, 33 USPQ2d 1512 (Fed. Cir. 1995) . . . . . 2133.03(b)	FMC Corp. v. Hennessy Indus., Inc., 836 F.2d 521, 5 USPQ2d 1272 (Fed. Cir. 1987) . . . . . 410
Ferguson, Ex parte, 117 USPQ 229 (Bd. App. 1957) . . . . . 2107.02, 2107.03, 2164.07	FMC Corp. v. Manitowoc Co., 835 F.2d 1411, 5 USPQ2d 1112 (Fed. Cir. 1987) . . 410, 2010
Ferguson Beauregard/Logic Controls v. Mega Systems, 350 F.3d 1327, 69 USPQ2d 1001 (Fed. Cir. 2003). . . . . 2111.01	Folkers, In re, 344 F.2d 970, 145 USPQ 390 (CCPA 1965) . . . . . 2107.02
Fessmann, In re, 489 F.2d 742, 180 USPQ 324 (CCPA 1974). . . . . 2113	Fonar Corp. v. General Electric Co., 107 F.3d 1543, 41 USPQ2d 1801 (Fed. Cir. 1997) . . . . . 2106, 2161.01, 2163
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, 288 F.2d 932, 129 USPQ 264 (CCPA 1961). . . . . 715.02, 715.03
Field v. Knowles, 183 F.2d 593, 86 USPQ 373 (CCPA 1950) . . . . . 2133.03(c)	Fong, In re, 378 F.2d 977, 154 USPQ 25 (CCPA 1967). . . . . 804
Fielder, In re, 471 F.2d 640, 176 USPQ 300 (CCPA 1973) . . . . . 716.01(a), 716.03(b)	Fontijn v. Okamoto, 518 F.2d 610, 622 186 USPQ97, 106 (CCPA 1975). . . . . 1402, 1417
Fields v. Conover, 443 F.2d 1386, 170 USPQ 276 (CCPA 1970). . . . . 2163, 2163.03	Forman, In re, 463 F.2d 1125, 175 USPQ 12 (CCPA 1972) . . . . . 2164.06(c)
Fiers v. Revel, 984 F.2d 1164, 25 USPQ2d 1601 (Fed. Cir. 1993). . 2137.01, 2138.04, 2163	Fortel Corp. v. Phone-Mate, Inc., 825 F.2d 1577, 3 USPQ2d 1771 (Fed. Cir. 1987) . . . . . 2293, 2693
Fine, In re, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) . . . . . 707.07(f), 2143.01, 2143.03, 2144	Foster, Ex parte, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903) . . . . . 715.04
Finley, In re, 174 F.2d 130, 81 USPQ 383 (CCPA 1949). . . . . 716.02(e)	Foster, In re, 343 F.2d 980, 145 USPQ 166 (CCPA 1965) . . . . . 2132.01, 2133, 2133.02, 2133.03(c)
Fischer, In re Application of, 6 USPQ2d 1573 (Comm'r Pat. 1988). . . . . 711.03(c)	Fotland, In re, 779 F.2d 31, 228 USPQ 193 (Fed. Cir. 1985) . . . . . 1403, 1412.03
	Fouche, In re, 439 F.2d 1237, 169 USPQ 429 (CCPA 1971) . . . . . 608.01(p), 716.02(b),

MANUAL OF PATENT EXAMINING PROCEDURE

	2107.01, 2164.07	Fulton, In re, 391 F.3d 1195, 73 USPQ2d 1141 (Fed. Cir. 2004). . . . .	2123, 2141.02, 2143.01, 2145
Fout, In re, 675 F.2d 297, 213 USPQ 532 (CCPA 1982). . . . .	2129, 2144.06	Funk Bros. Seed Co. v. Kalo Inoculant Co., 333 U.S. 127, 76 USPQ 280 (1948). . . . .	2105, 2106
Fox, Ex parte, 128 USPQ 157, 1960 C.D. 28, 761 O.G. 906 (Bd. App. 1957) . . . . .	608.04(a)	Future's Technology Ltd. v. Quigg, 684 F. Supp. 430, 7 USPQ2d 1588 (E.D. Va. 1988) . . . . .	711.03(c)
Fox, In re, 471 F.2d 1405, 176 USPQ 340 (CCPA 1973). . . . .	2144.03	G, In re Application of, 11 USPQ2d 1378 (Comm'r Pat. 1989). . . . .	711.03(c)
Fredericksen, In re, 213 F.2d 547, 102 USPQ 35 (CCPA 1954). . . . .	2173.05(c)	Gallo, In re, 231 USPQ 496 (Comm'r Pat. 1986) . . . . .	103
Fredkin v. Irasek, 397 F.2d 342, 158 USPQ 280 (CCPA 1968). . . . .	2138.05	Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573, 42 USPQ2d 1378 (Fed. Cir. 1997) . . . . .	2137
Freeman, In re, 23 App. D.C. 226 (App. D.C. 1904) . . . . .	1503.01	Gandy v. Main Belting Co., 143 U.S. 587 (1892) . . . . .	2133.03(d)
Freeman, In re, 573 F.2d 1237, 197 USPQ 464 (CCPA 1978). . . . .	2184	Garbo, In re, 287 F.2d 192, 129 USPQ 72 (CCPA 1961). . . . .	1504.03
Freeman, In re, 30 F.3d 1459, 31 USPQ2d 1444 (Fed. Cir. 1994). . . . .	706.03(w), 2250, 2666.01	Gardner, In re, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973) . . . . .	601.01(d), 2107.01, 2107.03, 2163
Fregeau v. Mossinghoff, 776 F.2d 1034, 227 USPQ 848 (Fed. Cir. 1985) . . . . .	2107.01, 2107.02	Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984) . . . . .	2144.04
Fressola, Ex parte, 27 USPQ2d 1608 (Bd. Pat. App. & Inter. 1993) . . . . .	2173.05(r), 2173.05(s)	Garfinkel, In re, 437 F.2d 1000, 168 USPQ 659 (CCPA 1971). . . . .	715
Fressola v. Manbeck, 36 USPQ2d 1211 (D.D.C. 1995) . . . . .	608.01(m)	Garnero, In re, 412 F.2d 276, 162 USPQ 221 (CCPA 1979) . . . . .	2113
Frey, In re, 182 F.2d 184, 86 USPQ 99 (CCPA 1950). . . . .	2307	Garret Corp. v. United States, 422 F.2d 874, 164 USPQ 521 (Ct. Cl. 1970) . . . . .	2128.01
Fried, In re, 312 F.2d 930, 136 USPQ 429 (CCPA 1963). . . . .	706.03(w)	Garrett v. Cox, 233 F.2d 343, 110 USPQ 52 (CCPA 1956) . . . . .	608.02(w), 1302.04
Fried, In re, 329 F.2d 323, 141 USPQ 27 (CCPA 1964). . . . .	608.01(p)	Gartside, In re, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000) . . . . .	1216.01, 2144.03
Frilette, In re, 412 F.2d 164, 162 USPQ 163 (CCPA 1969) . . . . .	715.01(b)	Gaubert, In re, 524 F.2d 1222, 187 USPQ 664 (CCPA 1975) . . . . .	2107.03
Fritch, In re, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) . . . . .	2143.01	Gaubert, In re, 530 F.2d 1402, 189 USPQ 432 (CCPA 1975) . . . . .	2107.02, 2107.03
Fritsch v. Lin, 21 USPQ2d 1731 (Bd. Pat. App. & Inter. 1991). . . . .	2137.01, 2138.06	Gay, In re, 309 F.2d 769, 135 USPQ 311 (CCPA 1962). . . . .	608.01(h), 2161.01, 2165.01
Fuge, In re, 272 F.2d 954, 124 USPQ 105 (CCPA 1959). . . . .	901.05, 2126.02	Gazave, In re, 379 F.2d 973, 154 USPQ 92 (CCPA 1967) . . . . .	2164.07, 2107.01, 2107.02, 2107.03
Fujikawa v. Wattanasin, 93 F.3d 1559, 39 USPQ2d 1895 (Fed. Cir. 1996) . . . . .	2163, 2163.05	Gazda, In re, 219 F.2d 449, 104 USPQ 400 (CCPA 1955) . . . . .	2144.04
Fujishiro, Ex parte, 199 USPQ 36 (Bd. App. 1977) . . . . .	901.05, 2135.01	Gearon v. United States, 121 F. Supp. 652, 101 USPQ 460 (Ct. Cl. 1954) . . . . .	601.01(e)

LIST OF DECISIONS CITED

Gebauer-Fuelnegg, In re, 121 F.2d 505, 50 USPQ 125 (CCPA 1941) . . . . .	608.01(v)	Gershon, In re, 372 F.2d 535, 152 USPQ 602 (CCPA 1967) . . . . .	716.02(c), 716.04
Geiger, In re, 815 F.2d 686, 2 USPQ2d 1276 (Fed. Cir. 1987) . . . . .	716.02(e), 2144.06	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
Geiger, In re, 425 F.2d 1276, 165 USPQ 572 (CCPA 1970) . . . . .	1504.06	Gibbs, In re, 437 F.2d 486, 168 USPQ 578 (CCPA 1971) . . . . .	715, 2134
Geisler, In re, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997) . . . . .	2144.05, 2145	Gibson, Ex parte, 20 USPQ 249 (Bd. App. 1933) . . . . .	1504.01(b)
Gellert v. Wanberg, 495 F.2d 779, 181 USPQ 648 (CCPA 1974). . . . .	2138.05	Gibson, In re, 39 F.2d 975, 5 USPQ 230 (CCPA 1930). . . . .	2144.04
Gelles, Ex parte, 22 USPQ2d 1318 (Bd. Pat. App. & Inter. 1992) . . . . .	716.02, 716.02(b)	Gilderdale, Ex parte, 1990 Pat. App. LEXIS 25 (Bd. Pat. App. & Inter. Appeal no. 89-0352) . . . . .	2136.03
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. Studiengesell- schaft 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. Berkline 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. Lec- tra 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)
		Goodman, In re, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993). . . . .	804, 806.04(i),

MANUAL OF PATENT EXAMINING PROCEDURE

1504.06, 2164.06(b), 2164.08	Graver Tank & Mfg. Co. v. Linde Air Products, 339 U.S. 605, 85 USPQ 328 (1950) . . . . . 2183, 2184, 2186
Goodyear Tire & Rubber Co., Ex parte, 230 USPQ 357 (Bd. Pat. App. & Inter. 1985) . . . . . 2141.01(a)	Gray, Ex parte, 10 USPQ2d 1922 (Bd. Pat. App. & Inter. 1989) . . . . . 716.01(c), 716.02(g), 2113, 2144.04
Gordon, In re, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) . . . . . 2143.01, 2144.08	Gray, In re, 115 USPQ 80 (Comm'r Pat. 1956) . . . . . 409.03(d), 409.03(f)
Gorham Manufacturing Co. v. White, 81 U.S. (14 Wall.) 511 (1871) . 1504.01(c), 1504.01(d)	Gray, In re, 53 F.2d 520, 11 USPQ 255 (CCPA 1931) . . . . . 2111.03
Gorman, In re, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991) . . . . . 707.07(f), 2145	Grayson, Ex parte, 51 USPQ 413 (Bd. App. 1941) . . . . . 706.03(a)
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	Green v. The Rich Iron Co., 944 F.2d 852, 20 USPQ2d 1075 (Fed. Cir. 1991) . . . . . 1442.05
Gottlieb, In re, 328 F.2d 1016, 140 USPQ 665 (CCPA 1964) . . . . . 2107.02	Greenberg v. Ethicon Endo-Surgery, Inc., 91 F.3d 1580, 39 USPQ2d 1783 (Fed. Cir. 1996) . . . . . 2181
Gottschalk v. Benson, 409 U.S. 63, 175 USPQ 673 (1972) . . . . . 2106, 2106.01, 2106.02	Greenewalt v. Stanley, 54 F.2d 195, 12 USPQ 122 (3d Cir. 1931) . . . . . 2133.03(e)(1)
Gould v. Control Laser Corp., 705 F.2d 1340, 217 USPQ 985 (Fed. Cir. 1983) . . . . . 2286, 2686.04	Greenfield, In re, 40 F.2d 775, 5 USPQ 474 (CCPA 1930) . . . . . 1214.01, 2682
Gould v. Quigg, 822 F.2d 1074, 3 USPQ2d 1302 (Fed. Cir. 1987) . . . . . 2164.02, 2164.05(a)	Greenfield, In re, 571 F.2d 1185, 197 USPQ 227 (CCPA 1978) . . . . . 2144.08
Gould v. Schawlow, 363 F.2d 908, 150 USPQ 634 (CCPA 1966) . . . . . 2138.06	Greenwood v. Seiko Instruments, 8 USPQ2d 1455 (D.D.C. 1988) . . . . . 2273
Gourtoff, Ex parte, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924) . . . . . 707.13, 710.06	Greer, In re, 484 F.2d 488, 179 USPQ 301 (CCPA 1973) . . . . . 1605
GPAC, In re, 57 F.3d 1573, 35 USPQ2d 1116 (Fed. Cir. 1995) . . . . . 716.03, 2144.08	Grier, Ex parte, 1923 C.D. 27, 309 O.G. 223 (Comm'r Pat. 1923) . . . . . 706.04
Grabiak, In re, 769 F.2d 729, 226 USPQ 871 (Fed. Cir. 1985) . . . . . 2144.08, 2144.09	Griffith v. Kanamaru, 816 F.2d 624, 2 USPQ2d 1361 (Fed. Cir. 1987) . . . . . 2138.06
Grady, Ex parte, 59 USPQ2d 276 (Comm'r Pat. 1943) . . . . . 607.02	Griswold, In re, 365 F.2d 834, 150 USPQ 804 (CCPA 1966) . . . . . 804.02
Graff, In re, 111 F.3d 874, 42 USPQ2d 1471 (Fed. Cir. 1997) . . . . . 1403, 1412.03, 1451	Grose, In re, 592 F.2d 1161, 201 USPQ 57 (CCPA 1979) . . . . . 2144.02, 2144.03, 2144.08
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	Group One, Ltd. v. Hallmark Cards, Inc., 254 F.3d 1041, 59 USPQ2d 1121 (Fed. Cir. 2001) . . . . . 2133.03(b)
Gramme Elec. Co. v. Arnoux and Hoch- hausen Elec. Co., 17 F. 838, 1883 C.D.418 (S.D. N.Y. 1883) . . . . . 901.05, 2135.01	Grunwell, In re, 609 F.2d 486, 203 USPQ 1055 (CCPA 1979) . . . . . 2107.02
Grasselli, Ex parte, 231 USPQ 393 (Bd. App. 1983) . . . . . 2143.03, 2173.05(i)	Gruschwitz, Ex parte, 138 USPQ 505, 1963 C.D. 859, 138 USPQ 505 (Bd. App. 1961) . . . . . 901.05, 901.05(b)
Grasselli, In re, 713 F.2d 731, 218 USPQ 769 (Fed. Cir. 1983) . . . . . 716.02(d), 2112, 2145, 2144.08	Guastavino, In re, 83 F.2d 913, 29 USPQ 532 (CCPA 1936) . . . . . 1449.02
	Gulack, In re, 703 F.2d 1381, 217 USPQ 401 (Fed. Cir. 1983) . . . . . 2106.01, 2112.01



LIST OF DECISIONS CITED

Gulliksen v. Halberg, 75 USPQ 252 (Bd. App. 1937) . . . . .	2128.01	Hamilton, In re, 882 F.2d 1576, 11 USPQ2d 1890 (Fed. Cir. 1989) . . . . .	2133.03(c)
Gunn, In re, 537 F.2d 1123, 190 USPQ 402 (CCPA 1976) . . . . .	2164.05(a), 2164.06(c), 2164.06, 2164.06(a)	Hammack, In re, 427 F.2d 1378, 166 USPQ 204 (CCPA 1970) . . . . .	2173.03
Gunn v. Bosch, 181 USPQ 758 (Bd. Pat. Inter. 1973) . . . . .	2138.06	Hammack, In re, 427 F.2d 1384, 166 USPQ 209 (CCPA 1970) . . . . .	2173.05(e)
Gunter v. Stream, 573 F.2d 77, 197 USPQ 482 (CCPA 1978) . . . . .	2138.04	Hammell, In re, 332 F.2d 796, 141 USPQ 832 (CCPA 1964) . . . . .	709.01
Gurley, In re, 27 F.3d 551, 31 USPQ2d 1130 (Fed. Cir. 1994) . . . . .	2123, 2145	Hanback, Ex parte, 231 USPQ 739 (Bd. Pat. App. & Inter. 1986) . . . . .	1504.04
Gustafson, In re, 331 F.2d 905, 141 USPQ 585 (CCPA 1964) . . . . .	2173.05(k)	Hardee, In re, 223 USPQ 1122 (Comm'r Pat. 1984) . . . . .	201.03, 2137.01
Gustafson v. Strange, 227 USPQ 174 (Comm'r Pat. 1985) . . . . .	513	Hargraves, In re, 53 F.2d 900, 11 USPQ 240 (CCPA 1931) . . . . .	804
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)

MANUAL OF PATENT EXAMINING PROCEDURE

Hawkins, In re, 486 F.2d 579, 179 USPQ 163 (CCPA 1973) . . . . .	608.01(p)	Herman v. William Brooks Shoe Co., 39 USPQ2d 1773 (S.D.N.Y. 1996). . . . .	410
Hawkins, In re, 486 F.2d 577, 179 USPQ 167 (CCPA 1973) . . . . .	608.01(p)	Herr, In re, 377 F.2d 610, 153 USPQ 548 (CCPA 1967). . . . .	706.03(w)
Hayes, In re, 53 USPQ2d 1222 (Comm'r Pat. 1999) . . . . .	1412.04	Herrmann, In re, 261 F.2d 598, 120 USPQ 182 (CCPA 1949). . . . .	707.07(f)
Hayes Microcomputer Products, Inc., In re, 982 F.2d 1527, 25 USPQ2d 1241 (Fed. Cir. 1992) . . . . .	1414.01, 2106, 2163	Hershberger, Ex parte, 96 USPQ 54 (Bd. App. 1952). . . . .	2128.01
Hay, Ex parte, 1909 C.D. 18, 139 O.G. 197 (Comm'r Pat. 1909). . . . .	706.04	Herschler, In re, 591 F.2d 693, 200 USPQ 711 (CCPA 1979) . . . . .	2161.01, 2163, 2163.05
Hay, In re, 534 F.2d 917, 189 USPQ 790 (CCPA 1976). . . . .	608.01(h), 2165.01, 2411.04	Herz, In re, 537 F.2d 549, 190 USPQ 461 (CCPA 1976). . . . .	2111.03
Hays v. Sony Corp. of Am., 847 F.2d 412, 7 USPQ2d 1043 (7th. Cir. 1988). . . . .	410	Hester Industries, Inc. v. Stein, Inc., 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998) . . . . .	1412.02
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
Helifix Ltd. v. Blok-Lok Ltd., 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000) . . . . .	2133.03(e)(1)	Hilmer, In re, 359 F.2d 859, 149 USPQ 480 (CCPA 1966) . . . . .	706.02(f)(1), 715, 2136.03,
Hellbaum, In re, 371 F.2d 1022, 152 USPQ 571 (CCPA 1967). . . . .	706.03(w)	Hilton, Ex parte, 148 USPQ 356 (Bd. App. 1965). . . . .	2144.04
Hellsund, In re, 474 F.2d 1307, 177 USPQ 170 (CCPA 1973). . . . .	715	Hiniker Co., In re, 150 F.3d 1362, 47 USPQ2d 1523 (Fed. Cir. 1998) . . . . .	2106, 2242, 2258, 2258.01, 2642
Hengehold, In re, 440 F.2d 1395, 169 USPQ 473 (CCPA 1971). . . . .	821	Hirao, In re, 535 F.2d 67, 190 USPQ 15 (CCPA 1976). . . . .	707.07(f), 2141.02
Henrich, Ex parte, 1913 Dec. Comm'r Pat. 139 (Comm'r Pat. 1913) . . . . .	711.03(c)	Hirschfield v. Banner, 462 F. Supp 135, 200 USPQ 276 (D.D.C. 1978). . . . .	2164.06(c)
Henriksen, In re, 399 F.2d 253, 158 USPQ 224 (CCPA 1968). . . . .	201.11	Hirschler, Ex parte, 110 USPQ 384 (Bd. App. 1952). . . . .	2132.01
Heritage, In re, 182 F.2d 639, 86 USPQ 160 (CCPA 1950) . . . . .	901.02		
Herman v. Huddleston, 459 U.S. 375 (1983) . . . . .	2107.02		

LIST OF DECISIONS CITED

Hitchings, In re, 342 F.2d 80, 144 USPQ 637 (CCPA 1965) . . . . .	2164.01(c)	Homan, Ex parte, 1905 C.D. 288 (Comm'r Pat. 1905) . . . . .	715.07
Hitzeman v. Rutter, 243 F.3d 1345, 58 USPQ2d 1161 (Fed. Cir. 2001) . . . . .	2138.04	Honeywell v. Diamond, 499 F. Supp. 924, 208 USPQ 452 (D.D.C. 1980) . . . . .	2165.04
Hiyamizu, Ex parte, 10 USPQ2d 1393 (Bd. Pat. App. & Inter. 1988) . . . . .	2141.03	Honigsbaum v. Lehman, 903 F. Supp 8, 37 USPQ2d 1799 (D.D.C. 1995) . . . . .	513
Hobbs v. United States, 451 F.2d 849, 171 USPQ 713 (5th Cir. 1971). . . . .	2133.03, 2133.03(b)	Honn, In re, 364 F.2d 454, 150 USPQ 652 (CCPA 1966). . . . .	608.01(h), 2165.01
Hoch, In re, 428 F.2d 1341, 166 USPQ 406 (CCPA 1970) . . . . .	706.02(j), 1207.03, 2144.08	Hoogendam, Ex parte, 1939 C.D. 3, 499 O.G. 3, 40 USPQ 389 (Comm'r Pat. 1939) . . . . .	706.07
Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 55 USPQ2d 1487 (Fed. Cir. 2000) . . . . .	2125	Hook, Ex parte, 102 USPQ 130 (Bd. App. 1953) . . . . .	715.07
Hodge v. Rostker, 501 F. Supp 332 (D.D.C. 1980) . . . . .	1216.02	Hoover Co., In re, 134 F.2d 624, 57 USPQ 111 (CCPA 1943). . . . .	2363.02
Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 229 USPQ 182 (Fed. Cir. 1986) . . . . .	2141, 2144.08	Hormone Research Foundation Inc. v. Genentech Inc., 904 F.2d 1558, 15 USPQ2d 1039 (Fed. Cir. 1990). . . . .	2173.05(a)
Hoechst Aktiengesellschaft v. Quigg, 916 F.2d 522, 16 USPQ2d 1549 (Fed. Cir. 1990) . . . . .	2758	Horton, Ex parte, 226 USPQ 697 (Bd. Pat. App. & Inter. 1985) . . . . .	2258
Hoechst-Roussel Pharmaceuticals Inc. v. Lehman, 109 F.3d 756, 42 USPQ2d 1220 (Fed. Cir. 1997) . . . . .	2751	Hostettler, In re, 356 F.2d 562, 148 USPQ 514 (CCPA 1966) . . . . .	715.03
Hoeksema, In re, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). . . . .	2121.01, 2121.02, 2144.08, 2144.09	Hough, In re, 108 USPQ 89, 703 O.G.200 (Comm'r Pat. 1955) . . . . .	409.03(i)
Hoeschele, In re, 406 F.2d 1403, 160 USPQ 809 (CCPA 1969). . . . .	2144.05	Houghton, In re, 433 F.2d 820, 167 USPQ 687 (CCPA 1970). . . . .	2107.01
Hoffer v. Microsoft Corp., 405 F.3d 1326, 74 USPQ2d 1481 (Fed. Cir. 2005) . . . . .	2111.04	Hovlid v. Asari, 305 F.2d 747, 134 USPQ 162 (9th Cir. 1962) . . . . .	201.06(d), 201.11
Hoffman, Ex parte, 12 USPQ2d 1061 (Bd. Pat. App. & Inter. 1989) . . . . .	2111.03	Howarth, In re, 654 F.2d 103, 210 USPQ 689 (CCPA 1981) . . . . .	716.09, 2164.01(b)
Hoffman v. Klaus, 9 USPQ2d 1657 (Bd. Pat. App. & Inter. 1988) . . . . .	2107.02	Hozumi, Ex parte, 3 USPQ2d 1059 (Bd. Pat. App. & Inter. 1984) . . . . .	803.02
Hoffman-La Roche, Inc. v. Promega Corp., 323 F.3d 1354, 66 USPQ2d 1385 (Fed. Cir. 2003). . . . .	608.01(p), 2004	Hruby, In re, 373 F.2d 997, 153 USPQ 61 (CCPA 1967). . . . .	1504.01(a)
Hogan, In re, 559 F.2d 595, 194 USPQ 527 (CCPA 1977) . . . . .	2124, 2164.05(a)	Huang, In re, 100 F.3d 135, 40 USPQ2d 1685 (Fed. Cir. 1996) . . . . .	716.03, 716.03(b), 2144.08
Holladay, In re, 584 F.2d 384, 199 USPQ 516 (CCPA 1978) . . . . .	716.02(e)	Huber, Ex parte, 148 USPQ 447 (Bd. Pat. App. 1965). . . . .	2172.01
Hollingsworth, In re, 253 F.2d 238, 117 USPQ 182 (CCPA 1958). . . . .	716.03(a)	Huelster v. Reiter, 168 F.2d 542, 78 USPQ 82 (CCPA 1948). . . . .	2138.06
Holmes v. Kelly, 586 F.2d 234, 199 USPQ 778 (CCPA 1978). . . . .	2371	Hull v. Bonis, 214 USPQ 731 (Bd. Pat. Inter. 1982) . . . . .	2138.05
Holmwood v. Cherpeck, 2 USPQ2d 1942 (Bd. Pat. App. & Inter. 1986) . . . . .	2138.03	Hull v. Davenport, 90 F.2d 103, 33 USPQ 506 (CCPA 1937) . . . . .	2138.01, 2138.06
		Humber, Ex parte, 217 USPQ 265 (Bd. App. 1961). . . . .	716.02(e)
		Humphreys, Ex parte, 24 USPQ2d 1255 (Bd. Pat. App. & Inter. 1992) . . . . .	2404.01, 2405

MANUAL OF PATENT EXAMINING PROCEDURE

Hunt Co. v. Mallinckrodt Chem. Works, 177 F.2d 583, 83 USPQ 277 (2d Cir. 1949) . . . . .	201.11, 1504.20	Interroyal Corp. v. Simmons Co., 204 USPQ 562 (S.D. N.Y. 1979) . . . . .	2133.03(e)(1), 2133.03(e)(3)
Hunter, Ex parte, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889) . . . . .	715.07(a)	Intirtool, Ltd. v. Texar Corp., 369 F.3d 1289, 70 USPQ2d 1780 (Fed. Cir. 2004) . . .	2111.02
Hunter v. Biessbarth, 15 USPQ2d 1343 (Comm'r Pat. 1990) . . . . .	2361	Invitrogen Corp. v. Biocrest Mfg., L.P., 327 F.3d 1364, 66 USPQ2d 1631 (Fed. Cir. 2003) . . . . .	2111.03
Hupp v. Siroflex of America, Inc., 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997) . . . . .	1504.02	Invitrogen Corp. v. Biocrest Manufactur- ing L.P., 424 F.3d 1374, 76 USPQ2d 1741 (Fed. Cir. 2005) . . . . .	2133.03(a), 2133.03(c)
Huston v. Ladner, 973 F.2d 1564, 23 USPQ2d 1910 (Fed. Cir. 1992) . . . . .	2305	Invitrogen Corp. v. Clontech Laborato- ries, Inc., 429 F.3d 1052, 77 USPQ2d 1161 (Fed. Cir. 2005) . . . . .	2138.04
Hyatt, In re, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000) . . . . .	2111	Ionescu, Ex parte, 222 USPQ 537 (Bd. App. 1984) . . . . .	2143.03, 2171, 2173.06
Hyatt, In re, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983) . . . . .	2164.08(a), 2181	IPXL Holdings v. Amazon.com, Inc., 430 F.2d 1377, 77 USPQ2d 1140 (Fed. Cir. 2005) . . . . .	2175.05(p)
Hyatt v. Boone, 146 F.3d 1348, 47 USPQ2d 1128 (Fed. Cir. 1998) . . . . .	2106, 2138.05, 2163, 2163.03	Irish, In re, 433 F.2d 1342, 167 USPQ 764 (CCPA 1970) . . . . .	2136.01
Hybritech, Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 USPQ 81 (Fed. Cir. 1986) . . . . .	716.03(b), 2138.04, 2141, 2144.08, 2163, 2164.01, 2164.05(a), 2173.05(a), 2182, 2184	Iron Grip Barbell Co., Inc. v. USA Sports, Inc., 392 F.3d 1317, 73 USPQ2d 1225 (Fed. Cir. 2004) . . . . .	2144.05
Hycor Corp. v. The Schlueter Co., 740 F.2d 1529, 222 USPQ 553 (Fed. Cir. 1984) . . . . .	2004	Irons, In re, 340 F.2d 974, 144 USPQ 351 (CCPA 1965) . . . . .	2107.02, 2164.07
I.C.E. Corp. v. Armco Steel Corp., 250 F. Supp 738, 148 USPQ 537 (S.D.N.Y. 1966) . . . . .	2128	Irwin, Ex parte, 1928 C.D. 13, 367 O.G. 701 (Comm'r Pat. 1928) . . . . .	604.02
IMS Technology Inc. v. Haas Automation Inc., 206 F.3d 1422, 54 USPQ2d 1129 (Fed. Cir. 2000) . . . . .	2181, 2183, 2184	Isaacs, In re, 347 F.2d 889, 146 USPQ 193 (CCPA 1963) . . . . .	2107.02, 2107.03
Innova/Pure Water Inc. v. Safari Water Filtration Sys. Inc., 381 F.3d 1111, 72 USPQ2d 1001 (Fed. Cir. 2004) . . . . .	2173.05(g)	Ishida Co. v. Taylor, 221 F.3d 1310, 55 USPQ2d 1449 (Fed. Cir. 2000) . . . . .	2184
Intel Corp. v. VIA Tech., Inc., 319 F.3d 1537, 65 USPQ2d 1934 (Fed. Cir. 2003) . . . . .	2181	Ishizaka, Ex parte, 24 USPQ2d 1621 (Bd. Pat. App. & Inter. 1992) . . . . .	716.02(b)
Intellicall, Inc. v. Phonometrics, Inc., 952 F.2d 1384, 21 USPQ2d 1383 (Fed. Cir. 1992) . . . . .	2111.01, 2181	Jackson, Ex parte, 217 USPQ 804 (Bd. Pat. App. & Inter. 1982) . . . . .	2164.06, 2164.06(a), 2404.02
Intermountain Research and Eng'g Co. v. Hercules, Inc., 171 USPQ 577 (C.D. Cal. 1971) . . . . .	2012	Jaffe, Ex parte, 147 USPQ 45 (Bd. of App. 1964) . . . . .	1504
International Glass Co. v. United States, 408 F.2d 395, 159 USPQ 434 (Ct. Cl. 1968) . . . . .	2138.03	J. A. La Porte, Inc. v. Norfolk Dredging Co., 787 F.2d 1577, 229 USPQ 435 (Fed. Cir. 1986) . . . . .	2133.03(b)
		Janakirama-Rao, In re, 317 F.2d 951, 137 USPQ 893 (CCPA 1963) . . . . .	2111.03, 2163
		Jansen v. Rexall Sundown, Inc., 342 F.3d 1329, 68 USPQ2d 1154 (Fed. Cir. 2003) . . .	2111.02
		Japikse, In re, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) . . . . .	2144.04

LIST OF DECISIONS CITED

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	Josserand, In re, 188 F.2d 486, 89 USPQ 371 (CCPA 1951) . . . . .	2133.03(e)(1)
Jennings, In re, 182 F.2d 207, 86 USPQ 68 (CCPA 1950) . . . . .	1504.03	Jovanovics, Ex parte, 211 USPQ 907 (Bd. Pat. App. & Inter. 1981) . . . . .	2107.03
Jentoft, In re, 392 F.2d 633, 157 USPQ 363 (CCPA 1968) . . . . .	804.02, 1490	Joy Mfg. Co. v. National Mine Service Co., 810 F.2d 1127, 1 USPQ2d 1627 (Fed. Cir. 1987) . . . . .	2246, 2646
Jessel v. Newland, 195 USPQ 678 (Comm'r Pat. 1977) . . . . .	1605	Joy Technologies Inc. v. Manbeck, 751 F. Supp 225, 17 USPQ2d 1257 (D.D.C. 1990) . . . . .	716.03(a)
Jockmus v. Leviton, 28 F.2d 812 (2d Cir. 1928) . . . . .	2121.04, 2125	J. P. Stevens & Co. v. Lex Tex Ltd., 747 F.2d 1553, 223 USPQ 1089 (Fed. Cir. 1984) . . . . .	2016
John O. Butler Co. v. Block Drug Co. Inc., 620 F. Supp. 771, 226 USPQ 855 (D. Ill. 1985) . . . . .	1504	Judin v. United States, 110 F.3d 780, 42 USPQ2d 1300 (Fed. Cir. 1997) . . . . .	410
Johns-Manville Corp. v. Guardian Industries Corp., 586 F. Supp 1034, 221 USPQ 319 (E.D. Mich. 1983) . . . . .	2165.01	Juicy Whip Inc. v. Orange Bang Inc., 185 F.3d 1364, 51 USPQ2d 1700 (Fed. Cir. 1999) . . . . .	706.03(a)
Johnson, In re, 282 F.2d 370, 127 USPQ 216 (CCPA 1960) . . . . .	2164.01(c)	Justus v. Appenzeller, 177 USPQ 332 (Bd. Pat. Inter. 1971) . . . . .	2138.06
Johnson, In re, 558 F.2d 1008, 194 USPQ 187 (CCPA 1977) . . . . .	2164.08, 2173.05(i)	Kaghan, In re, 387 F.2d 398, 156 USPQ 130 (CCPA 1967) . . . . .	706.03(w)
Johnson, In re, 589 F.2d 1070, 200 USPQ 199 (CCPA 1978) . . . . .	2161.01, 2184	Kahn, In re, 202 USPQ 772 (Comm'r Pat. 1979) . . . . .	2012.01
Johnson, In re, 747 F.2d 1456, 223 USPQ 1260 (Fed. Cir. 1984) . . . . .	716.02(e)	Kahn, In re, 441 F.3d 977, 78 USPQ2d 1329 (Fed. Cir. 2006) . . . . .	2143.01, 2144
Johnson Worldwide Associates v. Zebco Corp., 175 F.3d 985, 993, 50 USPQ2d 1607, (Fed. Cir. 1999) . . . . .	2163, 2163.05	Kaiser Industries Corp. v. Jones & Laughlin Steel Corp., 515 F.2d 964, 185 USPQ 343 (3d Cir. 1975) . . . . .	2012.01
Jolles, In re, 628 F.2d 1322, 206 USPQ 885 (CCPA 1980) . . . . .	2107.01, 2107.02, 2107.03	KangaROOS U.S.A., Inc. v. Caldor, Inc., 778 F.2d. 1571, 228 USPQ 32 (Fed. Cir. 1985) . . . . .	1504.20, 2004
Jolley, In re, 308 F.3d 1317, 64 USPQ2d 1901 (Fed. Cir. 2002) . . . . .	2138.04, 2138.06	Kanter, In re, 399 F.2d 249, 158 USPQ 331 (CCPA 1968) . . . . .	2116.01
Joly, In re, 376 F.2d 906, 153 USPQ 45 (CCPA 1967) . . . . .	2107.01, 2107.02	Kantor, Ex parte, 177 USPQ 455 (Bd. App. 1958) . . . . .	715.07(a)
Jones, Ex parte, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) . . . . .	706.02	Kaplan, In re, 789 F.2d 1574, 229 USPQ 678 (Fed. Cir. 1986) . . . . .	804
Jones, Ex parte, 1924 C.D. 59, 327 O.G. 681 (Comm'r Pat. 1924) . . . . .	709.01	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, 373 F.2d 1007, 153 USPQ 77 (CCPA 1967) . . . . .	706.03(a)	Kathawala, In re, 9 F.3d 942, 28 USPQ2d 1785 (Fed. Cir. 1993) . . . . .	2126, 2126.02, 2135.01
Jones, In re, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) . . . . .	707.07(f), 2143.01, 2144, 2144.05, 2144.08	Katrapat, In re, 6 USPQ2d 1863 (Comm'r Pat. 1988) . . . . .	711.03(c), 2268, 2668
Jones v. Hardy, 727 F.2d 1524, 220 USPQ 1021 (Fed. Cir. 1984) . . . . .	2141.02, 2144.08	Kattwinkle, Ex parte, 12 USPQ 11 (Bd. App. 1931) . . . . .	608.01(v)
Jones v. Progress Ind., Inc., 163 F. Supp. 824, 119 USPQ 92 (D. R.I. 1958) . . . . .	1504.02, 1504.03		

MANUAL OF PATENT EXAMINING PROCEDURE

Katz, In re, 467 F.2d 939, 167 USPQ 487 (CCPA 1970).....	706.03(w)	Killian v. Watson, 121 USPQ 507 (D.D.C. 1958) .....	1216.02
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	Kim v. Quigg, 718 F. Supp. 1280, 12 USPQ2d 1604 (E.D. Va. 1989) .....	711.03(c)
Kaufman Co. v. Lantech, Inc., 807 F.2d 970, 1 USPQ2d 1202 (Fed. Cir. 1986) .....	2293, 2693	Kimbell, Ex parte, 226 USPQ 688 (Bd. App. 1985).....	2258
Kawai v. Metlesics, 480 F.2d 880, 178 USPQ 158 (CCPA 1973).....	2107.02, 2138, 2138.05, 2163.03	Kimberly-Clark v. Johnson & Johnson, 745 F.2d 1437, 223 USPQ 603 (Fed. Cir. 1984).....	2138
Keil, In re, 808 F.2d 830, 1 USPQ2d 1427 (Fed. Cir. 1987) .....	1449.02	Kimberly-Clark Corp. v. Procter & Gamble Distrib. Co., 973 F.2d 911, 23 USPQ2d 1921 (Fed. Cir. 1992) . . .	605.07, 2137.01
Keizer v. Bradley, 270 F.2d 396, 123 USPQ 215 (CCPA 1959).....	2138.06	Kimura, Ex parte,, 55 USPQ2d 1537 (Bd. Pat. App. & Inter. 2000) .....	2308.03
Keller, In re, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) .....	707.07(f), 2145	King Instrument Corp. v. Otari Corp., 767 F.2d 853, 226 USPQ 402 (Fed. Cir. 1985) .....	2133.03(a), 2138.05
Kellogg Switchboard & Supply Co., The, In re, 1906 C.D. 274 (Comm'r Pat. 1906) .....	106	King, In re, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir.1986) .....	1206, 2112.02, 2131.01
Kelly, In re, 200 USPQ 560 (Comm'r Pat. 1978) .....	1504.05	Kirk, In re, 376 F.2d 936, 153 USPQ 48 (CCPA 1967).....	2107.01, 2107.02
Kelly, In re, 305 F.2d 909, 134 USPQ 397 (CCPA 1962).....	2173.05(o)	Kirsch, In re, 498 F.2d 1389, 182 USPQ 286 (CCPA 1974) .....	2173.05(c)
Kemco Sales Inc. v. Control Papers Co., 208 F.3d 1352, 54 USPQ2d 1308 (Fed. Cir. 2000) .....	2106, 2183, 2184	Kistler v. Weber, 412 F.2d 280, 162 USPQ 214 (CCPA 1969).....	2305
Kemps, In re, 97 F.3d 1427, 40 USPQ2d 1309 (Fed. Cir. 1996) .....	2144.08	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
		Knoll Pharms. Co., Inc. v. Teva Pharms. USA Inc., 367 F.3d 1381, 70 USPQ2d 1957 (Fed. Cir. 2004) .....	2141
		Knowlton, In re, 481 F.2d 1357, 178 USPQ 486 (CCPA 1973).....	2164.06(c), 2181,

LIST OF DECISIONS CITED

	2185	Kulling, In re, 897 F.2d 1147, 14 USPQ2d 1056 (Fed. Cir. 1990) . . . 2144.05, 2144.08
Knowlton, In re, 500 F.2d 266, 183 USPQ 33 (CCPA 1974) . . . . .	2164.06(c)	Kusko, Ex parte, 215 USPQ 972 (Bd. App. 1981) . . . . . 2137, 2138.01
Kochan, Ex parte, 131 USPQ 204 (Bd. App. 1961) . . . . .	2173.05(n)	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)
Kohler, Ex parte, 1905 C.D. 192., 116 O.G. 1185 (Comm'r Pat. 1905) . . . 1503.02, 1504.04		Lafferty, Ex parte, 190 USPQ 202 (Bd. App. 1975) . . . . . 1403
Kollar, In re, 286 F.3d 1326, 62 USPQ2d 1425 (Fed. Cir. 2002) . . . . .	2133.03(b)	L.A. Gear, Inc. v. Thom McAn Shoe Co., 988 F.2d 1117, 25 USPQ2d 1913 (Fed. Cir. 1993) . . . . . 1504.01(c)
Koller, In re, 613 F.2d 819, 204 USPQ 702 (CCPA 1980) . . . . .	2124, 2163	Lalu, In re, 747 F.2d 703, 223 USPQ 1257 (Fed. Cir. 1984) . . . . . 2144.08, 2144.09
Kollman, In re, 595 F.2d 48, 201 USPQ 193 (CCPA 1979) . . . . .	716.02(d)	Lamb, In re, 286 F.2d 610, 128 USPQ 539 (CCPA 1961) . . . . . 1504.03
Kondo v. Martel, 220 USPQ 47 (Bd. Pat. Inter. 1983) . . . . .	2138.02	Lamberti, In re, 545 F.2d 747, 192 USPQ 278 (CCPA 1976) . . . . . 2144.01
Komenak, Ex parte, 45 USPQ 186, 1940 C.D. 1, 512 O.G. 739 (Comm'r Pat. 1940) . . . . .	201.09	Lambrech, In re, 202 USPQ 620 (Comm'r Pat. 1976) . . . . . 1481.03
Kotler, Ex parte, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901) . . . . .	608.01(o)	Lampi Corp. v. American Power Products Inc., 228 F.3d 1365, 56 USPQ2d 1445 (Fed. Cir. 2000) . . . . . 2111.03
Kotzab, In re, 217 F.3d 1365, 55 USPQ2d 1313 (Fed. Cir. 2000) . . . . .	2143.01	Lancaster, Ex parte, 151 USPQ 713, 1966 C.D. 20, 833 O.G. 8 (Bd. App. 1965) . . . . . 1504.02
Krahn v. Commissioner, 15 USPQ2d 1823 (E.D. Va. 1990) . . . . .	711.03(c)	Land, In re, 368 F.2d 866, 151 USPQ 621 (CCPA 1966) . . . . . 2136.04, 2136.05
Krepelka, Ex parte, 231 USPQ 746 (Bd. Pat. App. & Inter. 1986) . . . . .	2107.03	Lander, Ex parte, 223 USPQ 687 (Bd. App. 1983) . . . . . 1504.02
Krimmel, In re, 292 F.2d 948, 130 USPQ 215 (CCPA 1961) . . . . .	2107.02, 2107.03	Lange v. Comm'r, 352 F. Supp 166, 176 USPQ 162 (D. D.C. 1972) . . . . . 1701.01
Kristensen, Ex parte, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989) . . . . .	2173.05(b), 2173.05(o)	Langer, In re, 465 F.2d 896, 175 USPQ 169 (CCPA 1972) . . . . . 2144.09
Kroekel, In re, 504 F.2d 1143, 183 USPQ 610 (CCPA 1974) . . . . .	2173.05(c)	Langer, In re, 503 F.2d 1380, 183 USPQ 288 (CCPA 1974) . . . . . 2107.02, 2107.03, 2124
Kroekel, In re, 803 F.2d 705, 231 USPQ 640 (Fed. Cir. 1986) . . . . .	715	Langer v. Kaufman, 465 F.2d 915, 175 USPQ 172 (CCPA 1972) . . . . . 2138.04
Kroger, Ex parte, 218 USPQ 370 (Bd. App. 1982) . . . . .	716.10, 2132.01	Lanham, In re, 1 USPQ2d 1877 (Comm'r Pat. 1986) . . . . . 2258
Kronig, In re, 539 F.2d 1300, 190 USPQ 425 (CCPA 1976) . . . . .	1207.03	Lantech Inc. v. Kaufman Co. of Ohio, Inc., 878 F.2d 1446, 12 USPQ2d 1076 (Fed. Cir. 1989) . . . . . 2145
Kropa v. Robie, 187 F.2d 150, 88 USPQ 478 (CCPA 1951) . . . . .	707.07(f), 2111.02	Lapworth, In re, 451 F.2d 1094, 172 USPQ 129 (CCPA 1971) . . . . . 1504
Kuehl, In re, 425 F.2d 658, 177 USPQ 250 (CCPA 1973) . . . . .	2116.01	Larson, In re, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) . . . . . 2144.04
Kuhle, In re, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) . . . . .	2144.04	
Kuklo, Ex parte, 25 USPQ2d 1387 (Bd. Pat. App. & Inter. 1992) . . . . .	2133.03(a)	

MANUAL OF PATENT EXAMINING PROCEDURE

Larson v. Classic Corp., 683 F. Supp. 1202, 7 USPQ2d 1747 (N.D. Ill. 1988) . . .	1504.01(c)	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)
Lasscell, Ex parte, 1884 C.D. 66, 29 O.G. 861 (Comm'r Pat. 1884) . . . . .	711.01	Lindner, In re, 457 F.2d 506, 173 USPQ 356 (CCPA 1972) . . .	716.01(c), 716.02(d), 2144.08
Lawrence, Ex parte, 70 USPQ 326, 1946 C.D. 1 (Comm'r Pat. 1946) . . . . .	1457, 1509	Linear Tech. Corp. v. Micrel, Inc., 275 F.3d 1040, 61 USPQ2d 1225 (Fed. Cir. 2001) . . . . .	2133.03(b)
Lee, Ex parte, 31 USPQ2d 1105 (Bd. Pat. App. & Inter. 1993) . . . . .	706.02(m), 2131.03	Links, Ex parte, 184 USPQ 429 (Bd. App. 1974) . . . . .	901.05(b), 2135.01
Lee Pharmaceutical v. Krepes, 577 F.2d 610, 198 USPQ 601 (9th Cir. 1978) . . . . .	2127	Lintner, In re, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972) . . . . .	2142, 2143.01, 2144, 2144.08, 2145
Lee v. Dayton-Hudson Corp., 838 F.2d 1186, 5 USPQ2d 1625 (Fed. Cir. 1988) . . . . .	1504	Litchfield v. Eigen, 535 F.2d 72, 190 USPQ 113 (CCPA 1976) . . . . .	2138.06
Lee, In re, 199 USPQ 108 (Comm'r Pat. 1978) . . . . .	803	Litton Systems, Inc. v. Whirlpool Corp., 728 F.2d 1423, 221 USPQ 97 (Fed. Cir. 1984) . . . . .	601.01(e), 716.03(b), 1504.03
Lee, In re, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002) . . . . .	2143.01, 2144.03	Lizard Tech, Inc. v. Earth Resource Map- ping, Inc., 424 F.3d 1336, 76 USPQ2d 1724 (Fed. Cir. 2005) . . . . .	2163
Leggett v. Avery, 101 U.S. 256 (1879) . . . . .	1490	Ljungstrom, Ex parte, 1905 C.D. 541, 119 O.G. 2335 (Comm'r Pat. 1905) . . . . .	814
LeGrice, In re, 301 F.2d 929, 133 USPQ 365 (CCPA 1962) . . . . .	2121.03	Lockheed Aircraft Corporation v. United States, 193 USPQ 449 (Ct. Cl. 1977) . . .	2183, 2184
Lemelson, In re, 397 F.2d 1006, 158 USPQ 275 (CCPA 1968) . . . . .	2123	Lockwood v. American Airlines, Inc., 107 F.3d 1505, 41 USPQ2d 1961 (Fed. Cir. 1997) . . . . .	2133.03(a), 2163, 2163.02
Lemieux, Ex parte, 115 USPQ 148, 1957 C.D. 47, 725 O.G. 4 (Bd. App. 1957) . . . . .	715.01(c)	Loffland Bros. Co. v. Mid-Western Energy Corp., 225 USPQ 886 (W.D. Okla. 1985) . . . . .	2286, 2686.04
Lemoine, Ex parte, 46 USPQ2d 1420 (Bd. Pat. App. & Inter. 1994) . . . . .	1204	Lohman, Ex parte, 1912 C.D. 336, 184 O.G. 287 (Comm'r Pat. 1912) . . . . .	1503.02
Leonard, Ex parte, 187 USPQ 122 (Bd. App. 1974) . . . . .	2116	Lonardo, In re, 119 F.3d 960, 43 USPQ2d 1262 (Fed. Cir. 1997) . . . . .	804, 2217, 2258, 2617
Le Roy v. Tatham, 55 U.S. (14 How.) 156 (1852) . . . . .	2106	Longi, In re, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985) . . . . .	804
Leshin, In re, 227 F.2d 197, 125 USPQ 416 (CCPA 1960) . . . . .	2144.07	Lopresti, In re, 333 F.2d 932, 142 USPQ 177 (CCPA 1964) . . . . .	715
Leslie, In re, 547 F.2d 116, 192 USPQ 427 (CCPA 1977) . . . . .	1503.01, 1504.03	Lorenz v. Finkl, 333 F.2d 885, 142 USPQ 26 (CCPA 1964) . . . . .	711.03(c)
Levengood, Ex parte, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) . . . . .	2143.01, 2144	Lowry, In re, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) . . . . .	2106.01
Levy, Ex parte, 17 USPQ2d 1461 (Bd. Pat. App. & Inter. 1990) . . . . .	2112	Luck, In re, 476 F.2d 650, 177 USPQ 523 (CCPA 1973) . . . . .	2173.05(o)
Liebel-Flarsheim Co. v. Medrad Inc., 358 F.3d 898, 69 USPQ2d 1801 (Fed. Cir. 2004) . . . . .	2111.01	Ludtke, In re, 441 F.2d 660, 169 USPQ 563 (CCPA 1971) . . . . .	2112.01
Lincoln Engineering Co. v. Stewart- Warner Corp., 303 U.S. 545, 37 USPQ 1 (1938) . . . . .	2173.05(j)		
Lindberg, In re, 194 F.2d 732, 93 USPQ 23 (CCPA 1952) . . . . .	2144.04		
Lindell, In re, 385 F.2d 453, 155 USPQ 521 (CCPA 1967) . . . . .	716.01(c)		



LIST OF DECISIONS CITED

Lukach, In re, 442 F.2d 967, 169 USPQ 795 (CCPA 1971) . . . . .	201.11, 2163, 2163.05	Margolis, In re, 785 F.2d 1029, 228 USPQ 940 (Fed. Cir. 1986) . . . . .	716.01(a)
Lumenyte Int'l Corp. v. Cable Lite Corp., 92 F.3d 1206 (Fed. Cir. 1996) (table) . . . . .	711.03(c)	Margolis v. Banner, 599 F.2d 435, 202 USPQ 365 (CCPA 1979) . . . . .	804.03
Lund, In re, 376 F.2d 982, 153 USPQ 625 (CCPA 1967) . . . . .	901.01, 901.02, 2127, 2136.02, 2136.03	Marinissen, Ex parte, 155 USPQ 528, 842 O.G. 528 (Bd. App. 1966) . . . . .	1504.02
Lundak, In re, 773 F.2d 1216, 227 USPQ 90 (Fed. Cir. 1985) . . . . .	2163, 2164.06, 2164.06(a), 2406.01	Markush, Ex parte, 1925 C.D. 126, 340 O.G. 839 (Comm'r Pat. 1924) . . . . .	803.02, 2173.05(h)
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)		

MANUAL OF PATENT EXAMINING PROCEDURE

Maucorps, In re, 609 F.2d 481, 203 USPQ 812 (CCPA 1979).....	2184	Medtronic, Inc. v. Cardiac Pacemakers, 721 F.2d 1563, 220 USPQ 97 (Fed. Cir. 1983) .....	2141.01(a)
May, In re, 574 F.2d 1082, 197 USPQ 601 (CCPA 1978).....	716.02(c), 2112.02, 2144.08, 2144.09	Meitzner v. Corte, 537 F.2d 524, 190 USPQ 407 (CCPA 1976).....	2138.05
Mayewsky, In re, 860 F.2d 430, 162 USPQ 86 (E.D. Va. 1969).....	1701.01	Mendenhall v. Cedarapids, Inc., 5 F.3d 1557, 28 USPQ2d 1081 (Fed. Cir. 1993)....	201.11
Mayhew, In re, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976) .....	2163, 2163.05, 2164.08(c), 2172.01, 2174	Mentor Corp. v. Coloplast, Inc., 998 F.2d 992, 27 USPQ2d 1521 (Fed. Cir. 1993) ...	1412.02
Mayne, In re, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1977) .....	2144.08, 2144.09	Merchant, In re, 575 F.2d 865, 197 USPQ 785 (CCPA 1978) .....	716.02(e)
Mazer v. Stein, 347 U.S. 201, 100 USPQ 325 (1954).....	1512	Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir. 1989).....	716.02(a), 2123, 2144.05, 2144.08
Maziere, Ex parte, 27 USPQ2d 1705 (Bd. Pat. App. & Inter. 1993) .....	608.01(p)	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
McCormick, Ex parte, 1904 C.D. 575 113 O.G. 2508 (Assist. Comm'r 1924) .....	709.01	Merck & Co., Inc. v. Chase Chem. Co., 273 F. Supp 68, 155 USPQ 139 (D.N.J. 1967) .....	2402
McCulloch Gas Processing Co. v. Dept. of Energy, 650 F.2d 1216 (Temp. Emer. Ct. App. 1981).....	1701.01	Merck & Co. v. Kessler, 80 F.3d 1543, 38 USPQ2d 1347 (Fed. Cir. 1996) .....	2758
McCullough, Ex parte, 7 USPQ2d 1889 (Bd. Pat. App. & Inter. 1987) .....	2145	Merck & Co., Inc., v. Teva Pharms. USA, Inc., 395 F.3d 1364, 73 USPQ2d 1641 (Fed. Cir. 2005) .....	2111.01
McGaughey, Ex parte, 6 USPQ2d 1334 (Bd. Pat. App. & Inter. 1988) .....	2217, 2258, 2617	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
McGrady v. Aspenglas Corp., 487 F. Supp 859, 208 USPQ 242 (S.D. N.Y. 1981) .....	1503.01, 1504.01(a)	Merz, Ex parte, 75 USPQ 296 (Bd. App. 1947) .....	715, 715.07(a)
McGrew, In re, 120 F.3d 1236, 43 USPQ2d 1632 (Fed. Cir. 1997)..	715.05, 2304.02(c)	Messick, Ex parte, 7 USPQ 57, 1930 C.D. 6, 400 O.G. 3 (Comm'r Pat.1930)....	710.01(a)
McKellin, In re, 529 F.2d 1342, 188 USPQ 428 (CCPA 1976).....	715	Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings, 370 F.3d 1354, 71 USPQ2d 1081 (Fed. Cir. 2004) .....	2111.02, 2112, 2173.02
McKenna, In re, 203 F.2d 717, 97 USPQ 348 (CCPA 1953) .....	716.01(c)	Metcalfe, In re, 410 F.2d 1378, 161 USPQ 789 (CCPA 1969).....	608.01(v), 2404.01
McLaughlin, In re, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).....	707.07(f), 2145	Metropolitan Eng. Co. v. Coe, 78 F.2d 199, 25 USPQ 216 (D.C. Cir. 1935) .....	716.07
Mead, In re, 581 F.2d 251, 198 USPQ 412 (CCPA 1978) .....	1412.01	Metz, In re, 173 F.3d 433 (Fed. Cir. 1998) (table) .....	1449.02
Mead Johnson & Co., Ex parte, 227 USPQ 78 (Bd. Pat. App. & Inter. 1985) ..	716.02(a)	Meyer, Ex parte, 6 USPQ2d 1966 (Bd. Pat. App. & Inter. 1988) .....	2145
Mead Johnson Pharmaceutical Group v. Bowen, 838 F.2d 1332, 6 USPQ2d 1565 (DC Cir. 1988) .....	2754.01	Meyer, In re, 599 F.2d 1026, 202 USPQ 175 (CCPA 1979) .....	2131.02
Medical Instrumentation and Diagnostics Corp. v. Elekta AB, 344 F.3d 1205, 68 USPQ2d 1263 (Fed. Cir. 2003).....	2181, 2182		

LIST OF DECISIONS CITED

Meyer, In re, 688 F.2d 789, 215 USPQ 193 (CCPA 1982) . . . . .	2184	Molins PLC v. Textron Inc., 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995). . . . .	2004
Michalek, In re, 162 F.2d 229, 74 USPQ 107 (CCPA 1947) . . . . .	716.07	Monaco v. Watson, 270 F.2d 335, 122 USPQ 564 (D.C. Cir. 1959) . . . . .	2358
Micro Chemical, Inc. v. Great Plains Chemical Co., 103 F.3d 1538, 41 USPQ2d 1238 (Fed. Cir. 1997). . . . .	2133.03(b)	Monks, In re, 588 F.2d 308, 200 USPQ 129 (CCPA 1978) . . . . .	901.05, 901.05(b), 1504, 2126.01, 2135.01
Milburn v. Davis-Bournonville Co., 270 U.S. 390, 46 S. Ct. 324, 1926 C.D. 303, 344 O.G. 817 (1926) . . . . .	2136.04	Monogram Mfg. v. F & H Mfg., 62 USPQ 409 (9th Cir. 1944). . . . .	2133.03(e)(1)
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) . . . . .	2143.01, 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 Deal- ers, 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
		MSM Investments Co. v. Carolwood Corp., 259 F.3d 1335, 59 USPQ2d 1856 (Fed. Cir. 2001) . . . . .	2111.01

MANUAL OF PATENT EXAMINING PROCEDURE

Mulder, In re, 716 F.2d 1542, 219 USPQ 189 (Fed. Cir. 1983) . . . . .	2138.06, 2183, 2184	Newman v. Quigg, 877 F.2d 1575, 11 USPQ2d 1340 (Fed. Cir. 1989) . . . . .	2107.01
Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 45 USPQ2d 1429 (Fed. Cir. 1998) . . . . .	2106, 2111.01	Newton, In re, 414 F.2d 1400, 163 USPQ 34 (CCPA 1969) . . . . .	2161, 2165.02
Multiple Litigation Involving Frost Patent, In re, 540 F.2d 601, 185 USPQ 729 (3d Cir. 1976) . . . . .	2016	Ngai, In re, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004) . . . . .	2106.01, 2112.01
Murray, Ex parte, 1891 Dec. Comm'r Pat. 130 (1891) . . . . .	711.03(c)	Nievelt, In re, 482 F.2d 965, 179 USPQ 224 (CCPA 1973) . . . . .	2145
Naber v. Cricchi, 567 F.2d 382, 196 USPQ 294 (CCPA 1977) . . . . .	2138.06	Nilssen, In re, 851 F.2d 1401, 7 USPQ2d 1500 (Fed. Cir. 1988) . . . . .	1701.01, 2144
Nalbandian, In re, 661 F.2d 1214, 211 USPQ 782 (CCPA 1981) . . . . .	1504.02, 1504.03	Nitinol Medical Technologies Inc., In re, 17 USPQ2d 1492 (Comm'r Pat. & Tm. 1990) . . . . .	2751
Napier, In re, 55 F.3d 610, 34 USPQ2d 1782 (Fed. Cir. 1995) . . . . .	2112	Nitto Chemical Indus. Co. v. Comer, 39 USPQ2d 1778 (D.D.C. 1994) . . . . .	513
Naquin, In re, 398 F.2d 863, 158 USPQ 317 (CCPA 1968) . . . . .	2164.05(b), 2164.06(c)	Nitz v. Ehrenreich, 537 F.2d 539, 190 USPQ 413 (CCPA 1976) . . . . .	2301.03
National Steel Car Ltd. v. Canadian Pacific Railway Ltd., 357 F.3d 1319, 69 USPQ2d 1641 (Fed. Cir. 2004) . . . . .	2145	Noelle v. Lederman, 355 F.3d 1343, 69 USPQ2d 1508 (Fed. Cir. 2004) . . . . .	2163
Nehrenberg, In re, 280 F.2d 161, 126 USPQ 383 (CCPA 1960) . . . . .	2173.05(b)	Nolan, In re, 553 F.2d 1261, 193 USPQ 641 (CCPA 1977) . . . . .	716.02(b), 716.02(c)
Nelson, In re, 280 F.2d 172, 126 USPQ 242 (CCPA 1960) . . . . .	2165	Nolden, Ex parte, 149 USPQ 378 (Bd. Pat. App. 1965) . . . . .	2172.01
Nelson, In re, 420 F.2d 1079, 164 USPQ 458 (CCPA 1970) . . . . .	715.07(a)	Noll, In re, 545 F.2d 141, 191 USPQ 721 (CCPA 1976) . . . . .	2163, 2181, 2182, 2184
Nelson v. Bowler, 212 USPQ 760 (Comm'r Pat. 1981) . . . . .	2361	Nomiya, In re, 509 F.2d 566, 184 USPQ 607 (CCPA 1975) . . . . .	2129, 2258
Nelson v. Bowler, 626 F.2d 853, 206 USPQ 881 (CCPA 1980) . . . . .	2107.01, 2107.02, 2107.03, 2138.05	NOMOS Corp. v. BrainLAB USA Inc., 357 F.3d 1364, 69 USPQ2d 1853 (Fed. Cir. 2004) . . . . .	2184
New England Braiding Co. v. A.W. Ches- terton Co., 970 F.2d 878, 23 USPQ2d 1622 (Fed. Cir. 1992) . . . . .	2137.01	Norco Products, Inc. v. Mecca Develop- ment, Inc., 617 F. Supp 1079, 227 USPQ 724 (D. Conn. 1985) . . . . .	1504.01(c)
New Idea Farm Equip. Corp. v. Sperry Corp., 916 F.2d 1561, 16 USPQ2d 1424 (Fed. Cir. 1990) . . . . .	2138	Nordberg, Inc. v. Telsmith, Inc., 82 F.3d 394, 38 USPQ2d 1593 (Fed. Cir. 1996) . . . . .	410
New Railhead Mfg., L.L.C. v. Vermeer Mfg. Co., 298 F.3d 1290, 63 USPQ2d 1843 (Fed. Cir. 2002) . . . . .	201.11, 2163	Norian Corp. v. Stryker Corp., 363 F.3d 1321, 70 USPQ2d 1508 (Fed. Cir. 2004) . . . . .	2111.03
Newell Cos. v. Kenney Mfg. Co., 864 F.2d 757, 9 USPQ2d 1417 (Fed. Cir. 1988) . . . . .	716.01(d), 716.04	Norlund, Ex parte, 1913 C.D. 161, 192 O.G. 989 (Comm'r Pat. 1913) . . . . .	1213.01, 2681
Newkirk v. Lulejian, 825 F.2d 1581, 3 USPQ2d 1793 (Fed. Cir. 1987) . . . . .	715.07	North American Container, Inc. v. Plasti- pak Packaging, Inc., 415 F.3d 1335, 75 USPQ2d 1545 (Fed. Cir. 2005) . . . . .	1412.02
		Northam Warren Corp. v. D. F. Newfield Co., 7 F. Supp 773, 22 USPQ 313 (E.D.N.Y. 1934) . . . . .	2112.01
		Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990) . . . . .	2128.01

LIST OF DECISIONS CITED

Northern Telecom Ltd. v. Samsung Electronics Co., 215 F.3d 1281, 55 USPQ2d 1065 (Fed. Cir. 2000) . . . . .	2165.01	Oka v. Youssefyeh, 849 F.2d 581, 7 USPQ2d 1169 (Fed. Cir. 1988) . . . . .	2138.04
Norton v. Curtiss, 433 F.2d 779, 167 USPQ 532 (CCPA 1970) . . . . .	2012	Okajima v. Bourdeau, 261 F.3d 1350, 59 USPQ2d 1795 (Fed. Cir. 2001) . . . . .	2141.03
Novak, In re, 306 F.2d 924, 134 USPQ 335 (CCPA 1962) . . . . .	2107.02, 2107.03	Okuzawa, In re, 537 F.2d 545, 190 USPQ 464 (CCPA 1976) . . . . .	2111.01
Novitski, Ex parte, 26 USPQ2d 1389 (Bd. Pat. App. & Inter. 1993) . . . . .	2112.02	Olah, Ex parte, 131 USPQ 41 (Bd. App. 1960) . . . . .	201.13, 706.02(a), 901.05, 2133, 2135.01
Novo Industries L.P. v. Micro Molds Corp., 350 F.3d 1348, 69 USPQ2d 1128 (Fed. Cir. 2003) . . . . .	1481	Onda, In re, 229 USPQ 235 (Comm’r Pat. 1985) . . . . .	706.02(1)(2), 2285, 2686.03
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)
Obiaya, Ex parte, 227 USPQ 58 (Bd. Pat. App. & Inter. 1985) . . . . .	707.07(f), 2145, 2258	Oppenauer, In re, 143 F.2d 974, 62 USPQ 297 (CCPA 1944) . . . . .	716.09
Ochiai, In re, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) . . . . .	706.02(n), 2116.01, 2144.08	O’Reilly v. Morse, 56 U.S. (15 How.) 62 (1854) . . . . .	706.03(a), 2106
Ockert, In re, 245 F.2d 467, 114 USPQ 330 (CCPA 1957) . . . . .	804	Orita, In re, 550 F.2d 1277, 193 USPQ 145 (CCPA 1977) . . . . .	1412.01, 1457
Oda, In re, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971) . . . . .	2163, 2163.07	Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986) . . . . .	2173.02, 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, 2141, 2141.01(a), 2142, 2144.08, 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) . . . . .	2143.02, 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
		Pandrol USA, LP v. Airboss Railway Products, Inc., 320 F.3d 1654, 65 USPQ2d 1985, (Fed. Cir. 2003) . . . . .	1302.04

MANUAL OF PATENT EXAMINING PROCEDURE

Panduit Corp. v. Dennison Mfg. Co., 774 F.2d 1082, 227 USPQ 337 (Fed. Cir. 1985) . . . . .	716.06, 1504.03, 2134	Payne, Ex parte, 1904 C.D. 42, 108 O.G. 1049 (Comm'r Pat. 1903) . . . . .	707.07(g)
Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1 USPQ2d 1593 (Fed. Cir. 1987) . . . . .	2141.01, 2141.02, 2144.08	Payne, In re, 606 F.2d 303, 203 USPQ 245 (CCPA 1979) . . .	716.02(a), 716.02(e), 2144.09
Pannu v. Storz Instruments Inc., 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001) . .	1412.02	Peeler v. Miller, 535 F.2d 647, 190 USPQ 117 (CCPA 1976) . . . . .	2138.03
Pantzer, Ex parte, 176 USPQ 141 (Bd App. 1972) . . . . .	2173.05(o)	Peck, Ex parte, 1901 C.D. 136, 96 O.G. 2409 (Comm'r Pat. 1901) . . . . .	608.02(f)
Paperless Accounting v. Bay Area Rapid Transit System, 804 F.2d 659, 231 USPQ 649 (Fed. Cir. 1986) . . . . .	2133.01	Penn Yan Boats, Inc. v. Sea Lark Boats Inc., 354 F. Supp 948, 175 USPQ 260 (S.D. Fla. 1972) . . . . .	2004
Papesch, In re, 315 F.2d 381, 137 USPQ 43 (CCPA 1963) . . . . .	716.02(a), 2141.02, 2144.08, 2144.09	Pennwalt Corp. v. Akzona, Inc., 740 F.2d 1573, 222 USPQ 833 (Fed. Cir. 1984) . .	2133.03(e)
Pappas, Ex parte, 23 USPQ2d 1636 (Bd. Pat. App. & Inter. 1992) . . . . .	1503.01, 1504.04, 2141.01(a), 2173.05(b)	Pennwalt Corp. v. Durand-Wayland, Inc., 833 F.2d 931, 4 USPQ2d 1737 (Fed. Cir. 1987) . . . . .	2184
Papst-Motoren, In re, 1 USPQ2d 1655 (Bd. Pat. App. & Inter. 1986) . . . . .	2258	Pentec, Inc. v. Graphic Controls Corp., 776 F.2d 309, 227 USPQ 766 (Fed. Cir. 1985) . . . . .	716.03(b), 716.06, 2141.01(a)
Paragon Podiatry Laboratory, Inc. v. KLM Labs., Inc., 984 F.2d 1182, 25 USPQ2d 1561 (Fed. Cir. 1993) . .	410, 2133.03(e)(2)	Personalized Media Communications LLC v. ITC, 161 F.3d 696, 48 USPQ2d 1880 (Fed. Cir. 1998) . . . . .	2181
Parker v. Flook, 437 U.S. 584, 198 USPQ 193 (1978) . . . . .	2106	Petering, In re, 301 F.2d 676, 133 USPQ 275 (CCPA 1962) . . . . .	2131.02, 2131.03, 2144.08
Parker v. Frilette, 462 F.2d 544, 174 USPQ 321 (CCPA 1972) . . . . .	2138.05	Peters, In re, 723 F.2d 891, 221 USPQ 952 (Fed. Cir. 1983) . . . . .	2163.05
Parks, Ex parte, 30 USPQ2d 1234 (Bd. Pat. App. & Inter. 1993) . . . . .	2173.05(i)	Petersen v. Fee Int'l Ltd., 381 F. Supp 1071, 182 USPQ 264 (W.D. Okla. 1974) . . . . .	2134
Patent No. 4,409,763, In re, 7 USPQ2d 1798 (Comm'r Pat. 1988) . . . . .	2590	Peterson, Ex parte, 49 USPQ 119, 1941 C.D. 8 (Comm'r Pat. 1941) . . . . .	710.02(b)
Patent Term Extension Application, US Patent No. 3,849,549, In re, 226 USPQ 283 (Pat. & Tm. Office 1985) . . . . .	2751	Peterson, Ex parte, 63 USPQ 99 (Bd. App. 1944) . . . . .	901.02
Patlex Corp. v. Mossinghoff, 771 F.2d 480, 226 USPQ 985 (Fed. Cir. 1985) . .	2225, 2240, 2244, 2249, 2625, 2640	Peterson, In re, 315 F.3d 1325, 65 USPQ2d 1379 (Fed. Cir. 2003) . . . . .	716.02(d), 2144.05
Patlex Corp. v. Mossinghoff, 758 F.2d 594, 225 USPQ 243 (Fed. Cir. 1985) . .	2211, 2611	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. Quigg, 680 F. Supp. 33, 6 USPQ2d 1296 (D. D.C. 1988) . . . . .	2246, 2646	Phelan, In re, 205 F.2d 183, 98 USPQ 156 (CCPA 1953) . . . . .	804
Paulik v. Rizkalla, 760 F.2d 1270, 226 USPQ 224 (Fed. Cir. 1985) . . . . .	2138.01, 2138.03	Philco Corp. v. Admiral Corp., 199 F. Supp. 797 131 USPQ 413 (D. Del. 1961) . . . . .	1503.02, 1504.04, 2133.03(e)(1)
Paulsen, In re, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994) . . . . .	716.03, 2106, 2144.08	Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) . . . . .	2111, 2111.01, 2258

LIST OF DECISIONS CITED

Piasecki, In re, 745 F.2d 1468, 223 USPQ 785 (Fed. Cir. 1984) . . . . .	716.01(d), 2107.02, 2142, 2144.08	PPG Ind. v. Guardian Ind., 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996) . . . . .	2164.06(b)
Pierce v. Allen B. DuMont Laboratories, Inc., 297 F.2d 323, 131 USPQ 340 (3d Cir. 1961) . . . . .	804	PPG Industries v. Guardian Industries, 156 F.3d 1351, 48 USPQ2d 1351 (Fed. Cir. 1998). . . . .	2111.03, 2163
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		
Powell, Ex parte, 37 USPQ 285, 1938 C.D. 15, 489 O.G. 231 (Bd. App. 1938) . . . . .	715.01(c)		

MANUAL OF PATENT EXAMINING PROCEDURE

Ralston Purina Co. v. Far-Mar-Co., Inc., 772 F.2d 1570, 227 USPQ 177 (Fed. Cir. 1985) . . . . .	2163.02	Reid, In re, 179 F.2d 998, 84 USPQ 478 (CCPA 1950) . . . . .	716.07
Rapoport v. Dement, 254 F.3d 1053, 59 USPQ2d 1215 (Fed. Cir. 2001) . . . . .	2111.01	Rekers, In re, 203 USPQ 1034 (Comm'r Pat. 1979) . . . . .	804.03
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	Republic Indus., Inc. v. Schlage Lock Co. 593 F.2d 963, 200 USPQ 769 (7th Cir. 1979) . . . . .	2141
Raytek, Inc. v. Solfan Systems, Inc., 211 USPQ 405 (N.D. Cal., 1981) . . . . .	2286, 2686.04	Reuge, Ex parte, 115 USPQ 51 (Bd. Pat. App. & Inter. 1957) . . . . .	901.05, 901.05(b)
Raytheon v. Roper, 724 F.2d 951, 220 USPQ 592 (Fed. Cir. 1983) . . . . .	2107.02, 2164.08	Reuter, In re, 651 F.2d 751, 210 USPQ 249 (CCPA 1981) . . . . .	1901.06
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)	Rexnord Corp. v. Laitram Corp., 274 F.3d 1336, 60 USPQ2d 1851 (Fed. Cir. 2001) . . .	2111.01
Reading & Bates Construction Co. v. Baker Energy, 748 F.2d 645, 223 USPQ 1168 (Fed. Cir. 1984) . . . . .	2129	Rey-Bellet v. Engelhardt, 493 F.2d 1380, 181 USPQ 453 (CCPA 1974) . . . . .	2107.02, 2138.05
Rebstock v. Flouret, 191 USPQ 342 (Bd. Pat. Inter. 1975) . . . . .	2138.06	Reynolds, In re, 443 F.2d 384, 170 USPQ 94 (CCPA 1971) . . . . .	2163.07(a)
Reckitt & Colman Products Ltd., In re, 230 USPQ 369 (Comm'r Pat. & Tm. 1986) . . . . .	2755.01	Richardson, Ex Parte, 1906 Dec. Comm'r Pat. 83 (1905) . . . . .	711.03(c)
Recreative Technologies, In re, 83 F.3d 1394, 38 USPQ2d 1776 (Fed. Cir. 1996) 2242, 2246, 2642, 2646		Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) . . . . .	2131
Red Cross Mfg. v. Toro Sales Co., 525 F.2d 1135, 188 USPQ 241 (7th Cir. 1975) . . . . .	2133.03(e)(1)	Richardson-Vicks, Inc. v. The Upjohn Co., 122 F.3d 1476, 44 USPQ2d 1181 (Fed. Cir. 1997) . . . . .	716.01(d)
Reed v. Quigg, 110 F.R.D. 363, 230 USPQ 2 (D.D.C. 1986) . . . . .	2279	Richman, In re, 409 F.2d 269, 161 USPQ 359 (CCPA 1969) . . . . .	1412.02
Reeves Bros., Inc. v. U.S. Laminating Corp., 282 F. Supp. 118, 157 USPQ 235 (E.D. N.Y. 1968) . . . . .	901.05	Riegger v. Beierl, 1910 C.D. 12, 150 O.G. 826 (Comm'r Pat. 1910) . . . . .	604.06
Refac Int'l Ltd. v. Lotus Development Corp., 81 F.3d 1576, 38 USPQ2d 1665 (Fed. Cir. 1996) . . . . .	410	Rieser v. Williams, 225 F.2d 419, 118 USPQ 96 (CCPA 1958) . . . . .	2138.06, 2307
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	Rijckaert, In re, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993) . . . . .	2112, 2141.02, 2144.08
		Rinehart, Ex parte, 10 USPQ2d 1719 (Bd. Pat. App. & Inter. 1985) . . . . .	2404.01
		Rinehart, In re, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976) . . . . .	2107.02, 2142, 2143.02, 2144.04



LIST OF DECISIONS CITED

Riverwood Int'l Corp. v. R.A. Jones & Co., 324 F.3d 1346, 66 USPQ2d 1331 (Fed. Cir. 2003) . . . . .	2129	Rubber-Tip Pencil Co. v. Howard, 87 U.S. (20 Wall.) 498 (1874) . . . . .	2106
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)	Rubin, Ex parte, 128 USPQ 440 (Bd. App. 1959) . . . . .	2144.04
Roberts, In re, 470 F.2d 1399, 176 USPQ 313 (CCPA 1973) . . . . .	2181	Rubinfield, In re, 270 F.2d 391, 123 USPQ 210 (CCPA 1959) . . . . .	1504.05
Robertson, In re, 169 F.3d 743, 49 USPQ2d 1949 (Fed. Cir. 1999) . . . . .	2112, 2114, 2163, 2163.07(a)	Ruff, In re, 256 F.2d 590, 118 USPQ 340 (CCPA 1958) . . . . .	2144.06
Robins, In re, 429 F.2d 452, 166 USPQ 552 (CCPA 1970) . . . . .	2163	Ruiz v. A.B. Chance Co., 357 F.3d 1270, 69 USPQ2d 1686 (Fed. Cir. 2004) . . . . .	2143.01, 2145
Robotic Vision Sys. v. View Eng'g, Inc., 112 F.3d 1163, 42 USPQ2d 1619 (Fed. Cir. 1997) . . . . .	2106	Ruscetta, In re, 255 F.2d 687, 118 USPQ 101 (CCPA 1958) . . . . .	201.11, 2004, 2217, 2218, 2258, 2617
Roche Products v. Bolar Pharmaceuticals, 733 F.2d 858, 221 USPQ 937 (Fed. Cir. 1984) . . . . .	2750	Ruschig, In re, 343 F.2d 965, 145 USPQ 274 (CCPA 1965) . . . . .	2144.08
Rodime PLC v. Seagate Technology, Inc., 174 F.3d 1294, 50 USPQ2d 1429 (Fed. Cir. 1999) . . . . .	2181	Ruschig, In re, 379 F.2d 990, 154 USPQ 118 (CCPA 1967) . . . . .	2163, 2163.05
Rohm & Haas Co. v. Crystal Chem.Co., 722 F.2d 1556, 200 USPQ 289 (Fed. Cir. 1983) . . . . .	410	Ruskin, In re, 347 F.2d 843, 146 USPQ 211 (CCPA 1965) . . . . .	2114
Rohm & Haas Co. v. Roberts Chem., Inc., 142 F. Supp. 499, 110 USPQ 93 (S.W. Va. 1956) . . . . .	1403	Ruskin, In re, 354 F.2d 395, 148 USPQ 221 (CCPA 1966) . . . . .	2107.01
Rose, In re, 220 F.2d 459, 105 USPQ 237 (CCPA 1955) . . . . .	2144.04	Russell, In re, 239 F.2d 387, 112 USPQ 58 (CCPA 1956) . . . . .	1504.05
Rosen, In re, 673 F.2d 388, 213 USPQ 347 (CCPA 1982) . . . . .	1503.01, 1504.03, 2141.01(a)	Russell, In re, 439 F.2d 1228, 169 USPQ 426 (CCPA 1971) . . . . .	706.03(w)
Rosenberg, Ex parte, 46 USPQ 393 (Bd. App. 1939) . . . . .	1610	Rutan, In re, 231 USPQ 864 (Comm'r Pat. 1986) . . . . .	150
Rosenblum v. Hiroshima, 220 USPQ 383 (Comm'r Pat. 1983) . . . . .	1205.02	Ruth, In re, 278 F.2d 729, 126 USPQ 155 (CCPA 1960) . . . . .	1412.03
Rothermel, In re, 276 F.2d 393, 125 USPQ 328 (CCPA 1960) . . . . .	716.01	Ryco, Inc. v. Ag-Bag Corp., 857 F.2d 1418, 8 USPQ2d 1323 (Fed. Cir. 1988) . . . . .	2144.07
Rouffet, In re, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) . . . . .	1216.01, 2143.01	Rydeen v. Quigg, 748 F. Supp 900, 16 USPQ2d 1876 (D.D.C. 1990) . . . . .	2590
Rowand, In re, 526 F.2d 558, 187 USPQ 487 (CCPA 1975) . . . . .	1412.01	Ryko Manufacturing Co. v. Nu-Star, Inc., 950 F.2d 714, 21 USPQ2d 1053 (Fed. Cir. 1991) . . . . .	2141.03, 2144.08
Rowe v. Dror, 112 F.3d 473, 42 USPQ2d 1550 (Fed. Cir. 1997) . . . . .	2111.02, 2303	S, In re Application of, 8 USPQ2d 1630 (Comm'r Pat. 1988) . . . . .	711.03(c)
Royka, In re, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) . . . . .	2143.03	SAB Industri AB v. Bendix Corp., 199 USPQ 95 (E.D. Va. 1978) . . . . .	605.07
		Sachs v. Wadsworth, 48 F.2d 928, 9 USPQ 252 (CCPA 1931) . . . . .	715.07
		Sage Prods., Inc. v. Devon Indus., Inc., 126 F.3d 1420, 44 USPQ2d 1103 (Fed. Cir. 1997) . . . . .	2181
		Sakraida v. Ag Pro, Inc., 425 U.S. 273, 189 USPQ 449 (1979) . . . . .	716.01(a), 2141

MANUAL OF PATENT EXAMINING PROCEDURE

Salazar v. Procter & Gamble Co., 414 F.3d 1342, 1347, 75 USPQ2d 1369, 1373 (Fed. Cir. 2005) . . . . .	1302.14	Schenck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983) . . .	2141.02, 2144.04
Salmon, In re, 705 F.2d 1579, 217 USPQ 981 (Fed. Cir. 1983) . . . . .	1504.04, 1504.20	Schering Corp. v. Amgen, Inc., 222 F.3d 1347, 55 USPQ2d 1650 (Fed. Cir. 2000) . . .	2163.07
Salsbury, Ex parte, 38 USPQ 149 (Comm'r Pat. 1938) . . . . .	1504.04	Schering Corp. v. Geneva Pharm. Inc., 339 F.3d 1373, 67 USPQ2d 1664 (Fed. Cir. 2003). . . . .	2112
Samour, In re, 571 F.2d 559, 197 USPQ 1 (CCPA 1978). . . . .	2131.01	Schering-Plough Corp., In re, 1 USPQ2d 1926 (Comm'r Pat. & Tm. 1986) . . . . .	2760
Sampson v. Ampex Corp., 463 F.2d 1042, 174 USPQ 417 (2d Cir. 1972). . . . .	201.06(d)	Schlittler, In re, 234 F.2d 882, 110 USPQ 304 (CCPA 1956) . . . . .	2128.02
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, In re, 323 F.2d 1016, 139 USPQ 297 (CCPA 1963) . . . . .	2144.06
Saunders, Ex parte, 1883 C.D. 23, 23 O.G. 1224 (Comm'r Pat. 1883). . . . .	715.07	Scott v. Brandenburger, 216 USPQ 326 (Bd. App. 1982). . . . .	2137
Saunders, In re, 444 F.2d 599, 170 USPQ 213 (CCPA 1971) . . . . .	716.02(f), 2142, 2172	Scott v. Finney, 34 F.3d 1058, 32 USPQ2d 1115 (Fed. Cir. 1994) . . .	2107.01, 2107.03, 2138.05, 2164.05
Scaltech, Inc. v. Retec/Tetra, L.L.C., 269 F.3d 1321, 60 USPQ2d 1687 (Fed. Cir. 2001) . . . . .	2133.03(c)	Scott v. Koyama, 281 F.3d 1243, 61 USPQ2d 1856 (Fed. Cir. 2002). . . . .	2138.06
Scarborough, In re, 500 F.2d 560, 182 USPQ 298 (CCPA 1974). . . . .	608.01(p), 2161.01, 2164.06(c), 2164.06(a)	Scragg, In re, 215 USPQ 715 (Comm'r Pat. 1982) . . . . .	2285, 2686.03
Schaub, In re, 537 F.2d 509, 190 USPQ 324 (CCPA 1976) . . . . .	715.03	Scripps Clinic and Res. Found. v. Genen- tech, Inc., 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991) . . . . .	2165.04, 2411.01
Schauman, In re, 572 F.2d 312, 197 USPQ 5 (CCPA 1978). . . . .	706.02(m), 2131.02, 2144.08	Scudder, Ex parte, 169 USPQ 814 (Bd. App. 1971). . . . .	1402, 1412.04
Schechter, In re, 205 F.2d 185, 98 USPQ 144 (CCPA 1953) . . . . .	2144.08, 2144.09, 2173.05(i)	Scully Signal Co. v. Electronics Corp. of America, 570 F.2d 355, 196 USPQ 657 (1st Cir. 1977) . . . . .	716.04
Scheiber, In re, 587 F.2d 59, 199 USPQ 782 (CCPA 1978) . . . . .	201.11, 2163.03		

LIST OF DECISIONS CITED

Seal-Flex, Inc. v. Athletic Track and Court Construction, 172 F.3d 836, 50 USPQ2d 1225 (Fed. Cir. 1999) . . . . .	2181	Silvestri v. Grant, 496 F.2d 593, 181 USPQ 706 (CCPA 1974) . . . . .	2138.04
Searles, In re, 422 F.2d 431, 164 USPQ 623 (CCPA 1970) . . . . .	602.03, 2132.01	Simon, In re, 302 F.2d 737, 133 USPQ 524 (CCPA 1962) . . . . .	2174
Seattle Box Co. v. Industrial Crating & Packing, Inc., 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984) . . . . .	2173.05(b)	Simpson, Ex parte, 218 USPQ 1020 (Bd. App. 1982) . . . . .	706.03(d), 2173.05(u)
Seebach, In re, 88 F.2d 722, 33 USPQ 149 (CCPA 1937) . . . . .	709.01	Sinclair & Carroll Co. v. Interchemical Corp., 325 U.S. 327, 65 USPQ 297 (1945) . . . . .	2144.07
Seid, In re, 161 F.2d 229, 73 USPQ 431 (CCPA 1947) . . . . .	2144.04	Sitz, In re, 331 F.2d 617, 141 USPQ 505 (CCPA 1964) . . . . .	2307
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	Skinner, Ex parte, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986) . . . . .	2142
Shaffer Tool Works v. Joy Mfg. Co., 687 F. Supp 80, 167 USPQ 170 (S.D. Tex. 1970) . . . . .	1701.01	Skrivan, In re, 427 F.2d 801, 166 USPQ 85 (CCPA 1970) . . . . .	2164.08
Shaked v. Taniguchi, 21 USPQ2d 1289 (Bd. Pat. App. & Inter. 1991) . . . . .	2686.02	Skuballa, Ex parte, 12 USPQ2d 1570 (Bd. Pat. App. & Inter. 1989) . . . . .	2173.05(c)
Shatterproof Glass Corp. v. Libbey-Owens Ford Co., 758 F.2d 613, 225 USPQ 634 (Fed. Cir. 1985) . . . . .	2133.03(b), 2173.05(a)	Sinex, In re, 309 F.2d 488, 135 USPQ 302 (CCPA 1962) . . . . .	2111.02
Shepherd, In re, 172 F.2d 560, 80 USPQ 495 (CCPA 1949) . . . . .	716.07	Slayter, In re, 276 F.2d 408, 125 USPQ 345 (CCPA 1960) . . . . .	715.03, 2131.02
Sherwood, In re, 613 F.2d 809, 204 USPQ 537 (CCPA 1980) . . . . .	608.01(h), 2161.01, 2165.04	Slip Track Systems, Inc. v. Metal Lite, Inc., 159 F.3d 1337, 48 USPQ2d 1055 (Fed. Cir. 1998) . . . . .	1449.02
Shindelar v. Holdeman, 628 F.2d 1337, 207 USPQ 112 (CCPA 1980) . . . . .	2138.03	Smernoff, Ex parte, 215 USPQ 545 (Bd. App. 1982) . . . . .	2137.01
Shokal, In re, 242 F.2d 771, 113 USPQ 283 (CCPA 1957) . . . . .	715.03	Smith, In re, 458 F.2d 1389, 173 USPQ 679 (CCPA 1972) . . . . .	2163, 2163.05
Sichert, In re, 566 F.2d 1154, 196 USPQ 209 (CCPA 1977) . . . . .	2107.01, 2107.02, 2107.03	Smith, In re, 714 F.2d 1127, 218 USPQ 976 (Fed. Cir. 1983) . . . . .	2133.03(a), 2133.03(e)
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)
		Smith v. Hayashi, 209 USPQ 754 (Bd. of Pat. Inter. 1980) . . . . .	2144.06
		Smith v. M & B Sales & Mfg., 13 USPQ2d 2002 (N.D. Cal. 1990) . . . . .	1504.01(c)
		Smith v. Mossinghoff, 671 F.2d 533, 213 USPQ 977 (D.C. Cir. 1982) . . . . .	711.03(c)

MANUAL OF PATENT EXAMINING PROCEDURE

Smith Davis Mfg. Co. v. Mellon, 58 F. 705 (8th Cir. 1893) . . . . .	2133.03(e)(6)	Standish, Ex parte, 10 USPQ2d 1454 (Bd. Pat. App. & Inter. 1988) . . . . .	716.03(a), 716.03(b), 2138.01
SmithKline Beecham Corp. v. Apotex Corp., 403 F.3d 1331, 74 USPQ2d 1398 (Fed. Cir. 2005) . . . . .	2112	Stanley, Ex parte, 121 USPQ 621 (Bd. App. 1958) . . . . .	2181
Smyth, In re, 189 F.2d 982, 90 USPQ 106 (CCPA 1951) . . . . .	716.09	Star Fruits S.N.C. v. United States, 280 F.Supp.2d 512 (E.D. Va 2003) . . . . .	704.12(a), 2005
Smythe, In re, 480 F.2d 1376, 178 USPQ 279 (CCPA 1973) . . . . .	2163, 2163.05, 2163.07(a)	Star Fruits S.N.C. v. United States, 393 F.3d 1277, 73 USPQ2d 1409 (Fed. Cir. 2005) . . . . .	704.10
Sneed, In re, 710 F.2d 1544, 218 USPQ 385 (Fed. Cir. 1983) . . . . .	1445, 2145	State Contracting & Eng'g Corp. v. Con- dotte, Inc., 346 F.3d 1057, 68 USPQ2d 1481 (Fed. Cir. 2003) . . . . .	2131.05, 2141.01(a)
Sobin, Ex parte, 139 USPQ 528 (Bd. App. 1962) . . . . .	2173.05(t)	State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) . . . . .	2106
Soli, In re, 317 F.2d 941, 137 USPQ 797 (CCPA 1963) . . . . .	2144.02, 2144.03	Steele, In re, 305 F.2d 859, 134 USPQ 292 (CCPA 1959) . . . . .	2143.03, 2173.06
Soll, In re, 97 F.2d 623, 38 USPQ 189 (CCPA 1938) . . . . .	2164.03	Steenbock, In re, 83 F.2d 912, 30 USPQ 45 (CCPA 1936) . . . . .	201.11
Solomon v. Kimberly-Clark Corp., 216 F.3d 1372, 55 USPQ2d 1279 (Fed. Cir. 2000) . . . . .	2172	Steierman v. Connelly, 192 USPQ 433 (Bd. Pat. Int. 1975) . . . . .	2004
Soni, In re, 54 F.3d 746, 34 USPQ2d 1684 (Fed. Cir. 1995) . . . . .	707.07(f), 2144.08	Steierman v. Connelly, 192 USPQ 446 (Bd. Pat. Int. 1976) . . . . .	2004
Sony Computer Entertainment America, Inc. v. Dudas, 2006 WL 1472462 (E.D. Va. 2006) . . . . .	2240, 2243, 2640, 2643	Steierman v. Connelly, 197 USPQ 288 (Comm'r Pat. 1976) . . . . .	2138.03
Spada, In re, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990) . . . . .	2112.01	Steigerwald, Ex parte, 131 USPQ 74 (Bd. App. 1961) . . . . .	706.03(d), 2173.05(d)
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	Steinberg v. Seitz, 517 F.2d 1359, 186 USPQ 209 (CCPA 1975) . . . . .	2133.03(c)
Spencer, In re, 273 F.2d 181, 124 USPQ 175 (CCPA 1959) . . . . .	1449.02	Stemniski, In re, 444 F.2d 581, 170 USPQ 343 (CCPA 1971) . . . . .	2144.08, 2144.09
Spiegel, Ex parte, 1919 C.D. 112, 268 O.G. 741 (Comm'r Pat. 1919) . . . . .	1503.01	Stempel, In re, 241 F.2d 755, 113 USPQ 77 (CCPA 1957) . . . . .	715.03
Spiller, In re, 500 F.2d 1170, 182 USPQ 614 (CCPA 1974) . . . . .	715.02, 715.03	Stencel, In re, 828 F.2d 751, 4 USPQ2d 1071 (Fed. Cir. 1987) . . . . .	2111.02
Sponnoble, In re, 405 F.2d 578, 160 USPQ 237 (CCPA 1969) . . . . .	2141.02	Steppan, In re, 394 F.2d 1013, 156 USPQ 143 (CCPA 1967) . . . . .	2173.05(o)
Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976) . . . . .	409.03(b), 605.04(a)	Stern, Ex parte, 13 USPQ2d 1379 (Bd. Pat. App. & Inter. 1987) . . . . .	2144.04
Staehelin v. Secher, 24 USPQ2d 1513 (Bd. Pat. App. & Inter. 1992) . . . . .	2138.04	Stevens, Ex parte, 16 USPQ2d 1379 (Bd. Pat. App. & Inter. 1990) . . . . .	2107.03
Stalego, Ex parte, 154 USPQ 52 (Bd. App. 1966) . . . . .	901.01, 2127, 2136.02	Stevens, In re, 173 F.2d 1015, 81 USPQ 362 (CCPA 1949) . . . . .	1504.01(c)
Standard Oil Co. v. Montedison, S.p.A., 494 F. Supp 370, 206 USPQ 676 (D.Del. 1980) . . . . .	2165.01	Stevens, In re, 212 F.2d 197, 101 USPQ 284 (CCPA 1954) . . . . .	2144.04

LIST OF DECISIONS CITED

Stevenson v. International Trade Comm'n, 612 F.2d 546, 204 USPQ 276 (CCPA 1979) . . . . .	2141.01(a)	Suska, In re, 589 F.2d 527, 200 USPQ 497 (CCPA 1979) . . . . .	2138.03
Stewart Sys. v. Commissioner, 1 USPQ2d 1879 (E.D. Va. 1986) . . . . .	2258	Swanberg, In re, 129 USPQ 364 (Comm'r Pat. 1960) . . . . .	608.01
Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 160 USPQ 177 (7th Cir. 1968) . . . . .	201.06(d), 201.11	Swartz, In re, 232 F.3d 862, 56 USPQ2d 1703 (Fed. Cir. 2000) . . . . .	2106, 2107.01, 2164.07
Stoddard, In re, 213 USPQ 386 (Comm'r Pat. 1982) . . . . .	2285, 2686.03	Sweet, In re, 136 F.2d 722, 58 USPQ 327 (CCPA 1943) . . . . .	1211.01
Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983) . . . . .	716.01(a), 2141, 2141.01(a), 2141.02, 2144.08	Swet, In re, 145 F.2d 631, 172 USPQ 72 (CCPA 1971) . . . . .	1504.06
Strijland, Ex parte, 26 USPQ2d 1259 (Bd. Pat. App. & Inter. 1992) . . . . .	1503.01, 1504.01(a), 1504.04	Swinehart, In re, 439 F.2d 210, 169 USPQ 226 (CCPA 1971) . . . . .	2114, 2173.01, 2173.05(g), 2183
Striker, In re, 182 USPQ 507 (Comm'r Pat. 1973) . . . . .	409.03(b), 605.04(a)	Switzer, In re, 166 F.2d 827, 77 USPQ 156 (CCPA 1948) . . . . .	901.02
Strong v. General Electric Co., 434 F.2d 1042, 168 USPQ 8 (5th Cir. 1970) . . . . .	2012, 2016, 2133.03(b)	Switzer v. Sockman, 333 F.2d 935, 142 USPQ 226 (CCPA 1964) . . . . .	1403, 1412.03, 2304.02(c)
Stryker, In re, 435 F.2d 1340, 168 USPQ 372 (CCPA 1971) . . . . .	715.02	Sylgab Steel & Wire Corp. v. Imoco- Gateway Corp., 357 F. Supp 657, 178 USPQ 22 (N.D. Ill. 1973) . . . . .	2165.01
Studiengesellschaft Kohle mbH v. Northern Petrochemical Co., 784 F.2d 351, 228 USPQ 837 (Fed. Cir. 1986) . . . . .	804.01	Symbol Tech. Inc. v. Lemelson Med., Educ., & Research Found., 422 F.3d 1378, 76 USPQ2d 1354 (Fed. Cir. 2005) . . . . .	2190
Studiengesellschaft Kohle m.b.H. v. Shell Oil Co., 112 F.3d 1561, 42 USPQ2d 1674 (Fed. Cir. 1997) . . . . .	201.11, 605.07, 706.02(k)	Symbol Techs., Inc. v. Opticon, Inc., 935 F.2d 1569, 19 USPQ2d 1241 (Fed. Cir. 1991) . . . . .	804.01, 2121.01
STX LLC. v. Brine, 211 F.3d 588, 54 USPQ2d 1347 (Fed. Cir. 2000) . . . . .	2111.02, 2133.03(c)	Szwarc, In re, 319 F.2d 277, 138 USPQ 208 (CCPA 1963) . . . . .	706.03(w)
Suh v. Hoefle, 23 USPQ2d 1321 (Bd. Pat. App. & Inter. 1992) . . . . .	2138.05	Tabuchi v. Nubel, 559 F.2d 1183, 194 USPQ 521 (CCPA 1977) . . . . .	2404.02
Sun Studs v. ATA Equipment Leasing, Inc., 872 F.2d 978, 10 USPQ2d 1338 (Fed. Cir. 1989) . . . . .	2136.02, 2136.03	Talbott, In re, 443 F.2d 1397, 170 USPQ 281 (CCPA 1971) . . . . .	2135.01
Sunrace Roots Enter. Co. v. SRAM Corp., 336 F.3d 1298, 67 USPQ2d 1438 (Fed. Cir. 2003) . . . . .	2106, 2111.01	Tanczyn, In re, 347 F.2d 830, 146 USPQ 298 (CCPA 1965) . . . . .	715.02
Superguide Corp. v. Direct TV Enterprises, Inc., 358 F.3d 870, 69 USPQ2d 1865 (Fed. Cir. 2004) . . . . .	2111.01	Tangsrud, In re, 184 USPQ 746 (Comm'r Pat. 1973) . . . . .	201.14, 201.14(b)
Sus, In re, 306 F.2d 494, 134 USPQ 301 (CCPA 1962) . . . . .	2163, 2163.05	Tansel, In re, 253 F.2d 241, 117 USPQ 188 (CCPA 1958) . . . . .	706.02(1)(2)
Susi, In re, 440 F.2d 442, 169 USPQ 423 (CCPA 1971) . . . . .	2123, 2144.08	Tarczy-Hornoch, In re, 397 F.2d 856, 158 USPQ 141 (CCPA 1955) . . . . .	2173.05(v)
		Teague, In re, 254 F.2d 145, 117 USPQ 284 (CCPA 1958) . . . . .	715.05, 804.02
		Technicon Instruments Corp. v. Alpkem Corp., 664 F. Supp 1558, 2 USPQ2d 1729 (D. Ore 1986) . . . . .	2164.05(b)
		Tennant v. Hako Minuteman, 4 USPQ2d 1167 (N.D. Ill. 1987) . . . . .	2293, 2693

MANUAL OF PATENT EXAMINING PROCEDURE

Tenney, In re, 254 F.2d 619, 117 USPQ 348 (CCPA 1958) . . . . .	2128.01	Toro Co. v. Deere & Co., 355 F.3d 1313, 69 USPQ2d 1584 (Fed. Cir. 2004) . . . . .	2112
Texas Digital Sys., Inc. v. Telegenix, Inc., 308 F.3d 1193, 64 USPQ2d 1812 (Fed. Cir. 2002) . . . . .	2173.05(a)	Toro Co. v. L.R. Nelson Corp., 223 USPQ 636 (C.D. Ill. 1984) . . . . .	2286, 2686.04
Texas Instruments, Inc. v. Int'l Trade Comm'n, 988 F.2d 1165, 26 USPQ2d 1018 (Fed. Cir. 1993) . . . . .	716.04	Toro Co. v. White Consol. Indus., Inc., 199 F.3d 1295, 53 USPQ2d 1065 (Fed. Cir. 1999). . . . .	804, 2106, 2111.01
Theis, In re, 610 F.2d 786, 204 USPQ 188 (CCPA 1979). . . . .	2133.03(b), 2133.03(e)(1), 2133.03(e)(3), 2133.03(e)(6)	TorPharm., Inc. v. Ranbaxy Pharmaceuti- cals, 336 F.3d 1322, 67 USPQ2d 1511 (Fed. Cir. 2003) . . . . .	2116.01
The Gentry Gallery, Inc. v. The Berkline Corp., 134 F.3d 1473, 45 USPQ2d 1498 (Fed. Cir. 1998). . . . .	2163.05	Townsend, In re, 1913 C.D. 55 (Comm'r Pat. 1929) . . . . .	720.05
The NutraSweet Co., Ex parte, 19 USPQ2d 1586 (Bd. Pat. App. & Inter. 1991) . . . . .	716.02(a)	Townsend v. Smith, 36 F.2d 292, 4 USPQ 269 (CCPA 1929) . . . . .	2138.04
Theodor Groz & Sohne & Ernst Beckert Nadelfabrik KG v. Quigg, 10 USPQ2d 1787 (D.D.C. 1988). . . . .	711.03(c), 2265, 2272	TP Labs., Inc. v. Professional Positioners, Inc., 724 F.2d 965, 220 USPQ 577 (Fed. Cir. 1984) . . . . .	2133.03(a)
Thibault, Ex parte, 164 USPQ 666 (Bd. App. 1969) . . . . .	2115	Transco Products, Inc. v. Performance Contracting, Inc., 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994) . . . . .	201.11, 2107.01, 2165.01
Thomson, Ex parte, 24 USPQ2d 1618 (Bd. Pat. App. & Inter. 1992) . . . . .	2121.03	Transmatic, Inc. v. Gulton Indus., Inc., 601 F.2d 904, 202 USPQ 559 (6th Cir. 1979) . . . . .	1504.06
Thorington, In re, 418 F.2d 528, 163 USPQ 644 (CCPA 1969). . . . .	804, 1504.06	Trimless Cabinets, In re, 128 USPQ 95 (Comm'r Pat. 1960). . . . .	103
Thorpe, In re, 777 F.2d 695, 227 USPQ 964 (Fed. Cir. 1985) . . . . .	706.02(m), 2113	Tronzo v. Biomet, Inc., 156 F.3d 1154, 47 USPQ2d 1829 (Fed. Cir. 1998) . . . . .	201.11, 2163, 2163.03, 2163.05
Thumm, Ex parte, 132 USPQ 66 (Bd. App. 1961) . . . . .	716.02(a)	Tucker, Ex parte, 1901 C.D. 140, 47 O.G. 187 (Comm'r Pat. 1901) . . . . .	1503.02
Tiffin, In re, 443 F.2d 394, 170 USPQ 88 (CCPA 1971). . . . .	716.04, 2142	Tucker v. Naito, 188 USPQ 260 (Bd. Pat. Inter. 1975) . . . . .	2137.01
Tiffin, In re, 448 F.2d 791, 171 USPQ 294 (CCPA 1971) . . . . .	716.03(a)	Tucker v. Natta, 171 USPQ 494 (Bd. Pat. Inter. 1971) . . . . .	2138.06
Tillotson Ltd. v. Walbro Corp., 831 F.2d 1033, 4 USPQ2d 1450 (Fed. Cir. 1987) . . . . .	1412.03,	Tucker Aluminum Prods. v. Grossman, 312 F.2d 393, 136 USPQ 244 (9th Cir. 1963) . . . . .	2133.03(e)(1)
Titanium Metals Corp. of America v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985). . . . .	2112.01, 2131.01, 2131.03, 2144.05	Twin Disc, Inc. v. United States, 231 USPQ 417 (Cl. Ct. 1986) . . . . .	2131.05
Tol-O-Matic, Inc. v. Proma Produkt-Und Mktg. Gesellschaft m.b.H., 945 F.2d 1546, 20 USPQ2d 1332 (Fed. Cir. 1991) . . . . .	2107.02	Tytgat, Ex parte, 225 USPQ 907 (Bd. App. 1985). . . . .	2308.03
Tomlinson, In re, 363 F.2d 928, 150 USPQ 623 (CCPA 1966). . . . .	2112.02	Ulead Systems, Inc. v. Lex Computer & Management Corp., 351 F.3d 1139, 69 USPQ2d 1097 (Fed. Cir. 2003). . . . .	509.02
Tone Brothers, Inc. v. Sysco Corp., 28 F.3d 1192, 31 USPQ2d 1321 (Fed. Cir. 1994) . . . . .	1504.02, 2133.03(e)(6)	UMC Elecs. Co. v. United States, 816 F.2d 647, 2 USPQ2d 1465 (Fed. Cir. 1987) . . . . .	2133.03(b), 2133.03(c), 2163

LIST OF DECISIONS CITED

Unidynamics Corp. v. Automatic Prod. Int'l, 157 F.3d 1311, 48 USPQ2d 1099 (Fed. Cir. 1998) . . . . .	2181	Vamco Machine and Tool, Inc., In re, 752 F.2d 1564, 224 USPQ 617 (Fed. Cir. 1985) . . . . .	716.03(b), 2286, 2686.04
Unimed, Inc. v. Quigg, 888 F.2d 826, 12 USPQ2d 1644 (Fed. Cir. 1989) . . . . .	2754.01	Vandenberg v. Dairy Equipment Co., 740 F.2d 1560, 224 USPQ 195 (Fed. Cir. 1984) . . . . .	716.06
Union Carbide Corp. v. Borg-Warner Corp., 550 F.2d 355, 193 USPQ 1 (6th Cir. 1977) . . . . .	2165	Vander Wal, Ex parte, 109 USPQ 119, 1956 C.D. 11, 705 O.G. 5 (Bd. Pat. App. 1955) . . . . .	608.04(a)
Union Oil of Cal. v. Atlantic Richfield Co., 208 F.3d 989, 54 USPQ2d 1227 (Fed. Cir. 2000) . . . . .	2163.05	Van Esdonk, In re, 187 USPQ 671 (Comm'r Pat. 1975) . . . . .	201.16, 1481.03
Union Pacific Resources Co. v. Chesapeake Energy Corp., 236 F.3d 684, 57 USPQ2d 1293 (Fed. Cir. 2001) . . . . .	2164.06(a)	Van Geuns, In re, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993) . . . . .	707.07(f), 2145
Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988) . . . . .	2144.08	Van Langenhoven, In re, 458 F.2d 132, 173 USPQ 426 (CCPA 1972) . . . . .	201.11, 2004, 2135.01, 2217, 2258, 2617
United States v. Adams, 383 U.S. 39, 148 USPQ 479 (1966) . . . . .	716.01(b), 716.05, 2145	Vanmoor v. Wal-Mart Stores, Inc., 201 F.3d 1363, 53 USPQ2d 1377 (Fed. Cir. 2000) . . . . .	2133.03(c)
United States v. Morgan, 313 U.S. 409, 61 S. Ct. 999 (1941) . . . . .	1701.01	Van Ornum, In re, 686 F.2d 937, 214 USPQ 761 (CCPA 1982) . . . . .	804, 804.02
United States v. Telectronics, Inc., 857 F.2d 778, 8 USPQ2d 1217 (Fed. Cir. 1988) . . . . .	2164.01, 2164.06	Varga, Ex Parte, 189 USPQ 209 (Bd. App. 1973) . . . . .	2012.01
United States Indus. Chem., Inc. v. Carbide and Carbon Chem. Corp., 315 U.S. 668, 53 USPQ 6 (1942) . . . . .	1411.02	Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991) . . . . .	1504.20, 2161, 2163, 2163.02, 2164, 2181
University of Rochester v. G.D. Searle & Co., 358 F.3d 916, 69 USPQ2d 1886 (Fed. Cir. 2004) . . . . .	2163	Vectra Fitness Inc. v. TNWK Corp., 162 F.3d 1379, 49 USPQ2d 1144 (Fed. Cir. 1998) . . . . .	1412.03
Upsher-Smith Labs v. PamLab, LLC, 412 F.3d 1319, 75 USPQ2d 1213 (Fed. Cir. 2005) . . . . .	2123, 2131.05	Venezia, In re, 530 F.2d 956, 189 USPQ 149 (CCPA 1976) . . . . .	2163, 2163.05, 2172.01, 2173.05(g)
U.S. Industries v. Norton Co., 210 USPQ 94 (N.D. N.Y. 1980) . . . . .	2004	Venner, In re, 262 F.2d 91, 120 USPQ 193 (CCPA 1958) . . . . .	2144.04
Ushakoff v. United States, 327 F.2d 669, 140 USPQ 341 (Ct. Cl. 1964) . . . . .	2133.03(e)(1)	Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) . . . . .	2131
Utschig, Ex parte, 156 USPQ 156 (Bd. App. 1966) . . . . .	2137.01	Vickers, In re, 141 F.2d 522, 61 USPQ 122 (CCPA 1944) . . . . .	2164.03
Vaeck, In re, 947 F.2d 448, 20 USPQ2d 1438 (Fed. Cir. 1991) . . . . .	706.02(j), 904.01(d), 2107.01, 2142, 2143, 2144.08, 2164.01, 2164.01(c), 2164.03, 2164.06(b), 2164.08	Vincent v. Mossinghoff, 230 USPQ 621 (D.D.C. 1985) . . . . .	513, 711.03(c)
Valmont Industries, Inc. v. Reinke Manufacturing Co., 983 F.2d 1039, 25 USPQ2d 1451 (Fed. Cir. 1993) . . . . .	2183, 2184, 2186	Vitronics Corp. v. Conceptronc Inc., 90 F.3d 1576, 39 USPQ2d 1573 (Fed. Cir. 1996) . . . . .	2111.01
		Vogel, In re, 422 F.2d 438, 164 USPQ 619 (CCPA 1970) . . . . .	804, 804.02, 1504.06
		Wadlinger, In re, 496 F.2d 1200, 181 USPQ 826 (CCPA 1974) . . . . .	1412.02

MANUAL OF PATENT EXAMINING PROCEDURE

Wagenhorst, In re, 62 F.2d 831, 16 USPQ 126, 20 CCPA 829 (CCPA 1933) . . . . .	715.05	Weatherchem Corp. v. J.L. Clark, Inc., 163 F.3d 1326, 49 USPQ2d 1001 (Fed. Cir. 1998). . . . .	2133.03(b), 2133.03(c)
Wagner, In re, 371 F.2d 877, 152 USPQ 552 (CCPA 1967), . . . . .	716.02	Webb, Ex parte, 30 USPQ2d 1064 (Bd. Pat. App. & Inter. 1993) . . . . .	1504.01(c)
Wahl v. Rexnord, Inc., 624 F.2d 1169, 206 USPQ 865 (3rd Cir. 1980) . . . . .	1504.06	Webb, In re, 916 F.2d 1553, 16 USPQ2d 1433 (Fed. Cir. 1990) . . . . .	1504.01(c)
Wakefield, In re, 422 F.2d 897, 164 USPQ 636 (CCPA 1970). . . . .	715.02, 2173.05(i)	Weber, In re, 405 F.2d 1403, 160 USPQ 549 (CCPA 1969) . . . . .	716.07
Waldemar Link, GmbH & Co. v. Osteon- ics Corp., 32 F.3d 556, 31 USPQ2d 1855 (Fed. Cir. 1994) . . . . .	706.03(o)	Weber, In re, 580 F.2d 455, 198 USPQ 328 (CCPA 1978) . . . . .	803.02
Walsdorf v. Commissioner, 229 USPQ 559 (D.D.C. 1986) . . . . .	1216.02	Weiss, In re, 989 F.2d 1202, 26 USPQ2d 1885 (Fed. Cir. 1993) . . . . .	2111.01
Walter, In re, 618 F.2d 758, 205 USPQ 397 (CCPA 1980) . . . . .	2183, 2184	Wells v. Fremont, 177 USPQ 22 (Bd. Pat. Inter. 1972) . . . . .	2138.05
Wands, In re, 858 F.2d 731, 8 USPQ2d 1400 (Fed. Cir. 1988) . . . . .	706.03(a), 706.03(b), 2164.01, 2164.01(a), 2164.06, 2164.06(b)	Wende v. Horine, 225 F. 501 (7th Cir. 1915) . . . . .	2133.03(b)
Wang Labs., Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993) . . . . .	2164.01, 2141.01(a), 2163, 2164.06, 2164.06(b)	Wertheim, In re, 541 F.2d 257, 191 USPQ 90 (CCPA 1976) . . . . .	706.03(o), 1302.01, 2144.05, 2163, 2163.03, 2163.04, 2163.05
Ward, In re, 236 F.2d 428, 111 USPQ 101 (CCPA 1956). . . . .	715.05, 804.02	Wertheim, In re, 646 F.2d 527, 209 USPQ 554 (CCPA 1981) . . . . .	2136.03
Warmerdam, In re, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994). . . . .	2106, 2106.01, 2106.02	Western Elec. Co. v. Piezo Technology, Inc., 860 F.2d 428, 8 USPQ2d 1853 (Fed. Cir 1988) . . . . .	1701.01
Warner, In re, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) . . . . .	2142	Wetmore v. Quick, 536 F.2d 937, 190 USPQ 223 (CCPA 1976). . . . .	2138.05
Warner-Jenkinsen Co. v. Hilton Davis Chemical Co., 520 U.S. 17, 41 USPQ2d 1865 (1997). . . . .	2183, 2184, 2186	Wetterau, In re, 356 F.2d 556, 148 USPQ 499 (CCPA 1966) . . . . .	804
Water Technologies Corp. v. Calco Ltd., 850 F.2d 660, 7 USPQ2d 1097 (Fed. Cir. 1988) . . . . .	2111.03	White, Ex parte, 759 O.G. 783 (Bd. App. 1958) . . . . .	2173.05(o)
Watkinson, In re, 900 F.2d 230, 14 USPQ2d 1407 (Fed. Cir. 1990). . . . .	1201, 1412.01, 1457	White, In re, 405 F.2d 904, 160 USPQ 417 (CCPA 1969) . . . . .	804
Watson, In re, 517 F.2d 465, 186 USPQ 11 (CCPA 1975) . . . . .	2107.01, 2107.03	White Consol. Indus. v. Vega Servo-Con- trol, Inc., 713 F.2d 788, 218 USPQ 961 (Fed. Cir. 1983) . . . . .	608.01(p), 2161.01, 2164.06(c)
Watson v. Allen, 254 F.2d 342, 117 USPQ 68 (D.C. Cir. 1958) . . . . .	2133.03(e)(3), 2133.03(e)(7)	Whitelaw, Ex parte, 1915 C.D. 18, 219 O.G. 1237 (Comm'r Pat. 1914) . . . . .	2173.05(n)
Watts v. XL Systems, Inc., 232 F.3d 877, 56 USPQ2d 1836 (Fed. Cir. 2000) . . . . .	2181	Whittle, In re, 454 F.2d 1193, 172 USPQ 535 (CCPA 1972) . . . . .	2136.05
Waymouth, In re, 499 F.2d 1273, 182 USPQ 290 (CCPA 1974). . . . .	716.02	Wiechert, In re, 370 F.2d 927, 152 USPQ 247 (CCPA 1967) . . . . .	2144.09
		Wiesner v. Weigert, 666 F.2d 582, 212 USPQ 721 (CCPA 1981). . . . .	2138.05
		Wiggins, In re, 488 F.2d 538, 179 USPQ 421 (CCPA 1973) . . . . .	2121.02, 2131.04, 2173.02, 2173.05(b)



LIST OF DECISIONS CITED

Wikdahl, Ex parte, 10 USPQ2d 1546 (Bd. Pat. App. & Inter. 1989) . . . 1412.02, 1412.03, 2258	Wu, Ex parte, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989) . . . . . 706.03(d), 2144.04, 2173.05(h)
Wilder, In re, 563 F.2d 457, 195 USPQ 426 (CCPA 1977) . . . . . 2144.08, 2144.09, 2163	Wu v. Jucker, 167 USPQ 467 (Bd. Pat. Inter. 1968) . . . . . 2138.05, 2138.06
Wilder, In re, 736 F.2d 1516, 222 USPQ 369 (Fed. Cir. 1984) . . . . . 1402, 1414, 2163.05	Wyer, In re, 655 F.2d 221, 210 USPQ 790 (CCPA 1981) . . . . . 901.05, 2127, 2128
Wilkinson, In re, 304 F.2d 673, 134 USPQ 171 (CCPA 1962) . . . . . 715.07	Yale, In re, 434 F.2d 66, 168 USPQ 46 (CCPA 1970) . . . . . 716.07
Willingham, In re, 282 F.2d 353, 127 USPQ 211 (CCPA 1960) . . . . . 1302.04, 1412.02	Yamaguchi, Ex parte, 61 USPQ2d 1043 (Bd. Pat. App. & Inter. 2001) . . . . . 1412.02
Wilson, In re, 311 F.2d 266, 135 USPQ 442 (CCPA 1962) . . . . . 2124	Yamamoto, In re, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984) . . . . . 2258
Wilson, In re, 424 F.2d 1382, 165 USPQ 494, (CCPA 1970) . . . . . 2143.03, 2173.06	Yardley, In re, 493 F.2d 1389, 181 USPQ 331 (CCPA 1974) . . . . . 1504.03, 1512
Winkhaus, In re, 527 F.2d 637, 188 USPQ 129 (CCPA 1975) . . . . . 2173.05(q)	Yarn Processing Patent Validity Litiga- tion, 183 USPQ 65 (5th Cir. 1974) . . . . . 2128.01
Winter v. Fujita, 53 USPQ2d 1234 (Bd. Pat. App. & Inter. 1999) . . . . . 2203	York Products, Inc. v. Central Tractor Farm & Family Center, 99 F.3d 1568, 40 USPQ2d 1619 (Fed. Cir. 1996) . . . . . 2181
Winkler v. Ladd, 221 F. Supp. 550, 138 USPQ 666 (D.D.C. 1963) . . . . . 711.03(c)	Yoshino, Ex parte, 227 USPQ 52 (Bd. Pat. App. & Inter. 1985) . . . . . 2141.01
Wise, In re, 340 F.2d 982, 144 USPQ 354 (CCPA 1965) . . . . . 1504.01(d)	Young, Ex parte, 18 Gour. 24 . . . . . 1213.01
Wiseman, In re, 596 F.2d 1019, 201 USPQ 658 (CCPA 1979) 2141.02, 2145, 2164.06(c)	Young, In re, 75 F.2d 996, 25 USPQ 69 (CCPA 1935) . . . . . 2115
W.L. Gore & Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983) . . . . . 2132, 2133.03(a), 2133.03(c), 2141.01, 2141.02, 2144.08, 2164.08, 2165.04, 2173.05(b)	Young, In re, 927 F.2d 588, 18 USPQ2d 1089 (Fed. Cir. 1991) . . . . . 2143.01
Wolfensperger, In re, 302 F.2d 950, 133 USPQ 537 (CCPA 1962) . . . . . 2163, 2181	Young v. Dworkin, 489 F.2d 1277, 180 USPQ 388 (CCPA 1974) . . . . . 2138.03
Woody, In re, 331 F.2d 636, 141 USPQ 518 (CCPA 1964) . . . . . 2107.03	Yuasa Battery v. Comm'r, 3 USPQ2d 1143 (D.D.C. 1987) . . . . . 2279
Woodruff, In re, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990) . . . . . 2144.05	Zahn, In re, 617 F.2d 261, 204 USPQ 988 (CCPA 1980) . . . . . 1502, 1503.02, 1504.04
Wright, 1876 C.D. 217, 10 O.G. 587 (Comm'r Pat. 1876) . . . . . 1410.01	Zechnull, Ex parte, 194 USPQ 461 (Bd. App. 1973) . . . . . 2164.05(b)
Wright, In re, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977) . . . . . 707.07(f), 2125, 2145	Zenith Labs., Inc. v. Bristol-Myers Squibb Co., 19 F.3d 1418, 30 USPQ2d 1285 (Fed. Cir. 1996) . . . . . 1302.14
Wright, In re, 866 F.2d 422, 9 USPQ2d 1649 (Fed. Cir. 1989) . . . . . 2163, 2163.03	Zenitz, In re, 333 F.2d 924, 142 USPQ 158 (CCPA 1964) . . . . . 716.02(f)
Wright, In re, 999 F.2d 1557, 27 USPQ2d 1510 (Fed. Cir. 1993) . . . . . 2107.01, 2164.03, 2164.01(a), 2164.04, 2164.05(a), 2164.06(b), 2164.08	Zickendraht, In re, 319 F.2d 225, 138 USPQ 22 (CCPA 1963) . . . . . 804, 804.03, 1504.06
	Ziegler, In re, 443 F.2d 1211, 170 USPQ 129 (CCPA 1971) . . . . . 804.01, 809.03, 821.04, 821.04(a), 821.04(b)

MANUAL OF PATENT EXAMINING PROCEDURE

Ziegler, In re, 992 F.2d 1197, 26 USPQ2d 1600 (Fed. Cir. 1993) . . . . .	2106, 2107.01, 2107.02, 2163, 2163.03	Zletz, In re, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989) . . . . .	715, 2106, 2111.01, 2111.03, 2138, 2171, 2173.05(a), 2181, 2286, 2686.04
Zimmerley, Ex parte, 153 USPQ 367 (Bd. App. 1966) . . . . .	2181	Zurko, In re, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001) . . . . .	2144.03