

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte WILMA SPEELMAN

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Appeal No. 2000-0907  
Application 08/770,320

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ORDER REMANDING TO EXAMINER

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On April 26, 1997, an applicant filed an amendment under 37 CFR § 1.607 (Paper No. 5). The applicant also filed this amendment **AFTER** the Final Rejection, mailed June 27, 1997 (Paper No. 3). There is no indication in the record, that the examiner considered this amendment, and that the applicant received notification of this consideration.

The examiner has three choices: 1) to deny entry of the amendment; 2) to enter the amendment and indicate that the claim copied, from the patent, is allowable over for the present application, and return the case to the Board; or 3) to enter the amendment and reopen prosecution.

If the examiner denies entry to the amendment, he or she

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must then notify the applicant that the examiner has denied the amendment entry via an advisory action form PTO-303. Once this has been done, the examiner must then return the application to the Board of Patent Appeals and Interferences for a decision on appealed claims 1-6.

If the examiner considers it appropriate to enter the amendment, he or she will have two choices as noted above. If the examiner enters the amendment, and indicates that the amendment is allowable, the examiner must return the application to the Board of Patent Appeals for a decision on appealed claims 1-6. If the examiner enters the amendment, and reopens prosecution, the examiner must return the application to the Board of Appeals and Interferences, so that the Board of Patent Appeals and Interferences can vacate the appeal number. Once the Board of Patent Appeals and Interferences have vacated the appeal number, The Board will return the application to the examiner, for prosecution.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for:

- 1) consideration of the amendment filed September 26, 1997;
  - 2) for notification of said consideration to the applicant;
  - 3) for handling of the amendment and application as noted above;
- and

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4) for such further action as appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_  
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