

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEX IGNATIEV, XIN ZHANG,
JIAN MING ZENG, JIASHU LIU, PENCHU CHOU
and LOUIS D. CASTELLANI

Appeal No. 2006-0493
Application 10/206,123

ON BRIEF

Before WARREN, KRATZ and TIMM, *Administrative Patent Judges*.

WARREN, *Administrative Patent Judge*.

REMAND TO THE EXAMINER

We remand the application to the Examiner for consideration and explanation of issues raised by the record. 37 CFR §41.50(a)(1) (2005); Manual of Patent Examining Procedure (MPEP) § 1211 (8th ed., Rev. 3, August 2005).

The official electronic files of the USPTO show that Appellants filed a paper styled “Appellant’s Response To Examiner’s Answer (37 CFR 1.193(b)” on August 3, 2005, which is in fact a reply brief “in response to the Examiner’s Answer mailed June 3, 2005” (page 1).

The official electronic files further show that in the Office communication mailed August 9, 2005, Technology Center 1700 held Appellants’ submission to constitute a “Pre-Appeal Brief Request for Review.”

We find no communication in the official electronic files establishing that the reply brief has been considered by the Primary Examiner as required by 37 CFR §41.41(a)(1) (2005) and MPEP § 1208 (8th ed., Rev. 3, August 2005).

Accordingly, the Examiner is required to consider said reply brief consistent with current examining practice and procedure, with a view toward placing this application in condition for decision on appeal with respect to the issues presented.

This remand is *not* made for the purpose of directing the Examiner to further consider the ground(s) of rejection. Accordingly, 37 CFR § 41.50(a)(2) (2005) does not apply.

We hereby remand this application to the Examiner, via the Office of a Director of the Technology Center, for appropriate action in view of the above comments.

This application, by virtue of its “special” status, requires immediate action. It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal in this case. *See* MPEP § 708.01(D) (8th ed., Rev. 3, August 2005).

Remanded

CHARLES F. WARREN)	
Administrative Patent Judge)	
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PETER F. KRATZ)	BOARD OF PATENT
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CATHERINE TIMM)	
Administrative Patent Judge)	

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