

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 IRA L. GOLDKNOPT, HELEN R. PARK,
HERBERT A. FRITSCHÉ,
and
HENRY M. KUERER

Appeal 2006-0870
Application 10/301,512
Technology Center 1700

Decided: October 27, 2006

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

TIMM, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

Originally, the grounds of rejection to be reviewed on appeal were limited to the four rejections the Examiner maintained in the Final Office Action mailed January 26, 2005. Appellants provided arguments addressing each of these rejections in their Brief. However, in the Answer, the Examiner advanced a new rejection of claims 1, 2, 11, 12, 21-23, 30, and 36-

48 under 35 U.S.C. § 103(a) over Fritsche (U.S. Patent 6,855,554) in view of Alam (US Published Patent Application 2001/0034066) (Answer 2-4).

Appellants responded with a Reply Brief in which they included arguments responding to the new ground of rejection (Reply Brief 1-8). The Examiner entered this Reply Brief and stated that it was considered (Reply Brief Noted Nov. 30, 2005), however, the Examiner did not make of record any response to Appellants' new arguments.

In order to fully develop the issues on appeal, the Examiner must respond to Appellants' arguments. Accordingly, we remand the application to the Examiner, via the Office of a Director of the involved Technology Center, for the entry into the record of a response to Appellants' new arguments presented in the Reply Brief at pages 1-8 or for other action not inconsistent with the above discussion.

This Remand to the Examiner pursuant to 37 C.F.R. § 41.50(a)(1) is made for further consideration of a rejection. Accordingly, 37 C.F.R. § 41.50(a)(2) applies if a supplemental examiner's answer is written in response to this **Remand** by the Board.

REMANDED

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