

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 Alexander Filatov

Appeal No. 2006-1160
Application No. 10/155,453

ON BRIEF

Before BARRY, BLANKENSHIP, and HOMERE, *Administrative Patent Judges*.
BARRY, *Administrative Patent Judge*.

A patent examiner rejected claims 1-14, 16-18, and 21-23. The appellant appeals from the rejection of claims 1-14 and 16-18 under 35 U.S.C. § 134(a). To assist us in deciding the appeal, we order the appellant to furnish copies of evidence on which he relies.

At the time of the appellant's brief, an appeal brief was required to include "[a]n appendix containing copies of any evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record

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that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief." 37 C.F.R. § 41.37(c)(1)(ix)(Sep. 20, 2004).¹

Here, although the appellant's brief references definitions from a "Merriam-Webster Online dictionary" and an "American Heritage Dictionary of the English Language," (Appeal Br. at 16), the *Evidence Appendix* section of the brief omits copies of the definitions. The latter section merely mentions the definitions.

We decline to substitute speculation about the precise definitions for the greater certainty that should come from the appellant furnishing copies of the definitions on which he relies. Under 37 C.F.R. § 41.50(d), the appellant is given a non-extendable time period of thirty days within which to respond to this order. Failure to comply with the order within that time may result in the *sua sponte* dismissal of their appeal. 37 C.F.R. § 41.50(d). No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

¹We cite to the version of the C.F.R. in effect at the time of the appellant's brief.

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ORDERED

LANCE LEONARD BARRY)
Administrative Patent Judge)
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) BOARD OF PATENT
HOWARD B. BLANKENSHIP) APPEALS
Administrative Patent Judge) AND
) INTERFERENCES
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JEAN R. HOMERE)
Administrative Patent Judge)

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