

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 JAMES RAY MCGREGOR

Appeal 2006-1680
Application 10/319,185
Technology Center 3700

Decided: September 20, 2006

Before GARRIS, PAK, and TIMM, *Administrative Patent Judges*.
GARRIS, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

The above identified application is hereby remanded to the Examiner, for the reasons set forth below.

The Examiner has advanced on this appeal a § 103(a) rejection over claims 1, 3, 5, 6, 8-11, 14, 15, and 17 over Schmidt (US 6,481,183) in view of Yano (JP 3-240650).

We find no translation of the Japanese document in the image file wrapper (IFW) record of the Patent & Trademark Office. Moreover, Appellant indicates that he has no translation of this Japanese document (Br. 5). A translation is required in order to meaningfully assess the merits of the Examiner's § 103 rejection.

Therefore, in response to this remand, the Examiner must perform the following: (1) obtain an English language translation of the Japanese document (i.e., JP 3-240650), (2) issue a Supplemental Examiner's Answer discussing how the translation supports his § 103 rejection of the claims (i.e., if the Examiner, after reviewing the translation, decides to maintain his rejection), and (3) provide Appellant with a copy of the translation attached to the Supplemental Examiner's Answer whereby Appellant will have an opportunity to fully and meaningfully respond to the Examiner's rejection.

CONCLUSION

In summary, we have remanded the application to the Examiner for action consistent with our comments above.

This remand to the Examiner pursuant to 37 C.F.R. § 41.50(a)(1) (effective September 13, 2004, 69 Fed. Reg. 49960 (August 12, 2004), 1286 Off. Gaz. Pat. Office 21 (September 7, 2004)) is made for further

Appeal 2006-1680
Application 10/319,185

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

cam

Herman H. Bains
6101 Tracy Avenue
Minneapolis, MN 55436