

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 BRAD D. RUMSEY, PATRICK W. TANDY,
WILLAM J. REEDER, STEPHEN F. MOXHAM,
STEVEN G. THUMMEL, DANA A. STODDARD and JOSEPH C. YOUNG

Appeal No. 2006-2803
Application No. 10/421,079

ON BRIEF

Before KRASS, BLANKENSHIP, and HOMERE, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

ON REMAND TO THE EXAMINER

The Examiner's Answer confirms that the statement of the status of the claims contained in the brief is correct. The principal brief indicates that status to be that claims "37-44 and 65-77 are currently pending" and "are currently under final rejection" (principal brief-page 2).

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Yet, while the examiner includes claim 69 in the currently pending claims, there is no outstanding rejection of this claim either in the answer or in the final rejection, and there is no indication that this claim has been withdrawn, allowed, or objected to.

This application is hereby remanded to the examiner to provide the status of claim 69 and, if such claim stands rejected, the grounds for such rejection shall be set forth and the specific rationale therefor presented.

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

This application, by virtue of its "Special" status, requires an immediate action. MPEP § 708.01.

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REMANDED

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
JEAN R. HOMERE)	
Administrative Patent Judge)	

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