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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Jerrell P. Hein and Marius Goldenberg

Appeal No. 2006-3133
Application No. 09/693,652
Technology Center 2600

ON BRIEF

Before HAIRSTON, DIXON, and HOMERE, *Administrative Patent Judges.*

DIXON, *Administrative Patent Judge.*

ORDER REMANDING TO THE EXAMINER

This is an order remanding this application for the Examiner's consideration of the After Final Amendment filed on March 14, 2005, and clarification of the status of claims.

Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Examiner indicated on page 2 of the Examiner's answer mailed on December 21, 2005, that the after final amendment has been entered, but we find no paper indicating this entry to Appellants in the IFW or in the PALM contents for this application.

Furthermore, the after final amendment only requested cancellation of claims 17 and 18 yet the Examiner has indicated that claims 17-20 are withdrawn from consideration at page 2 of both the original Examiner's answer mailed June 3, 2005, and the supplemental Examiner's answer mailed December 21, 2005. The Examiner then continued to state a rejection of independent claim 19 and dependent claim 20 in both of the answers.

Therefore, the Examiner should clearly address the merits of the after final amendment dated March 14, 2005, and mail a communication to Appellants. The Examiner should require Appellants to correct the claims appendix to the Appeal brief, if the amendment is entered. The Examiner should further clearly indicate whether claims 19 and 20 are rejected or withdrawn from consideration and state the reasons for the withdrawal.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) address the merits of the after final amendment dated March 14, 2005, and mail a communication to Appellants. The Examiner should require Appellants to correct the claims appendix to the Appeal brief, if the amendment is entered.

(2) vacate the Examiner's Answer mailed on December 21, 2005, and issue a revised Examiner's Answer in compliance with the new rules effective September 13, 2004, clarifying the status of the claims; and

(3) for such further action as may be appropriate.

KENNETH W. HAIRSTON Administrative Patent Judge	)	
JOSEPH L. DIXON Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JEAN R. HOMERE Administrative Patent Judge	)	

JLD/pgc

Application 09/693,652

DAVIS & ASSOCIATES
P.O. BOX 1093
DRIPPING SPRINGS TX 78620