

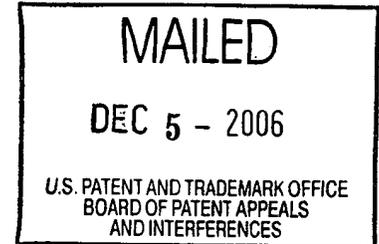
1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3
4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

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8 *Ex parte* HAROLD A. McMASTER, NORMAN C. NITSCHKE,
9 DEXTER H. McMASTER AND RONALD A. McMASTER

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12 Appeal 2007-0216
13 Application 08/655,853
14 Technology Center 1700
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17 Oral Argument: None
18 Decided: December 5, 2006
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21 *Before: McKELVEY, Senior Administrative Patent Judge, and*
22 *DELMENDO and MacDONALD, Administrative Patent Judges.*

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24 *McKELVEY, Senior Administrative Patent Judge.*

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27 **DECISION ON APPEAL UNDER 35 U.S.C. § 134**

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29 **A. Discussion**

30 The appeal is from a decision of the Primary Examiner rejecting
31 claims in an application seeking to reissue U.S. Patent 4,883,527, issued
32 28 November 1989.

33 The real party in interest is Glasstech International L.P.

34 The patent sought to be reissued expired on 28 November 2006.

1 Because the patent sought to be reissued has expired, there is no
2 longer a patent to be reissued. Accordingly, the issues raised by the appeal
3 are moot. *In re Morgan*, 990 F.2d 1230, 26 USPQ2d 1392 (1993). *See also*
4 *In re Ball Corp.*, 925 F.2d 1480, 18 USPQ2d 1491, 1492 n.1 (Fed. Cir.
5 1991) (non-precedential: court did not review amended claims in a
6 reexamination where patent had expired—since claims would not be issued
7 there was no occasion for court to review patentability of those claims).

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9 **B. Order**

10 Upon consideration of the appeal, and for the reasons given, it is
11 ORDERED that the appeal is dismissed.

12 DISMISSED

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14
15 /ss/ Fred E. McKelvey)
16 FRED E. McKELVEY)
17 Senior Administrative Patent Judge)
18) BOARD OF
19 /ss/ Romulo H. Delmendo) PATENT
20 ROMULO H. DELMENDO) APPEALS
21 Administrative Patent Judge) AND
22) INTERFERENCES
23 /ss/ Allen R. MacDonald)
24 ALLEN R. MacDONALD)
25 Administrative Patent Judge)

Appeal No. 2007-0216
Application No. 08/655,853

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