

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 STEVEN D. BURCH and JOHN C. FAGLEY

Appeal 2007-0704
Application 10/623,674
Technology Center 1700

REMAND TO THE EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 14, 2006. Upon review of the application, it has been determined that a remand to the Examiner, via the Office of the Director of the Technology Center, is necessary to consider the following issue and to take necessary corrective action.

The Examiner has failed to list *all* prior art relied upon in the rejections currently on appeal under the heading “**(8) Evidence Relied Upon**” in the Examiner’s Answer mailed September 7, 2005. References to Grasso et al. (US 2001/0004500), Bloomfield (3,982,962), Beshty et al. (4,670,359), Towler et al. (6,375,924), Clawson et al. (US 2002/0004152 A1), Buswell et al. (5,360,679), Okada et al. (5,302,470), Van Dine et al. (6,331,366), Hallum et al. (US

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2002/0081466), Cownden et al. (US 2002/0015870 A1), Cutright et al. (US 2002/0160239 A1), Kunitake et al. (US 2002/0046889 A1), Okamoto (US 2002/0177016 A1), Towler et al. (6,375,924), and Van Dine et al. (US 2003/0027025 A1) are referenced in sections **(9)** and **(10)** of the Examiner's Answer but not listed by the Examiner as required by *the Manual of Patent Examining Procedure (MPEP)* § 1207.02(A)(8).

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

- (1) to issue a corrected Examiner's Answer that *fully complies* with *MPEP* § 1207.02(A)(8);
- (2) to have the corrected Examiner's Answer made a part of the Image File Wrapper (IFW) Official record; and

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

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By: _____
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