

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* PETER KITE and DAVID HATTON

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Appeal No. 2007-1613  
Application 10/659,413

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Mailed: August 15, 2008

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Before DALE M. SHAW, *Chief Appeals Administrator.*

SHAW, *Chief Appeals Administrator.*

ORDER REMANDING TO EXAMINER

**INFORMATION DISCLOSURE STATEMENT**

Appellants filed an Information Disclosure Statement (IDS) dated June 20, 2008. There is no indication on the record that the Examiner has considered the above IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Appellants if timely submitted. A written communication

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notifying Appellants of the Examiner's consideration of the above IDS is required.

### **CONCLUSION**

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

- (1) consider the Information Disclosure Statement filed June 20, 2008;
- (2) notify Appellants in writing of such consideration; and
- (3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/clj

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