

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KURT E. SPEARS and RODNEY C. HARRIS

Appeal 2007-3108
Application 10/437,774
Technology Center 2800

Decided: April 22, 2008

Before JOSEPH F RUGGIERO, JOSEPH L. DIXON, and
MAHSHID D. SAADAT, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

This is an Order remanding the application to the Examiner. From our initial review of the application and prosecution history, we note Appellants filed an Information Disclosure Statement (IDS), dated January 24, 2008, which must be considered by the Examiner prior to our decision on the merits.

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Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- (1) consider the IDS statement filed on January 24, 2008,
- (2) mail Appellants a notice indicating the status of the IDS, and
- (3) take such further action as may be appropriate.

This remand to the examiner pursuant to 37 CFR § 41.50(a)(1) is not made for further consideration of a rejection. Accordingly, 37 CFR § 41.50(a)(2) does not apply.

REMANDED

clj

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