

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID K.C. COOPER and EUGEN KOREN

Appeal 2007-4134
Application 10/172,459
Technology Center 1600

Decided: July 24, 2008

Before DALE M. SHAW *Chief Appeals Administrator.*

SHAW *Chief Appeals Administrator.*

ORDER REMANDING TO THE EXAMINER

On January 2, 2007, Appellants filed a Substitute Appeal Brief. On pages 33-37 of the Brief, under the heading of "Evidence Appendix," Appellants list numerous references submitted as evidence. However, a review of the Evidence Appendix reveals that the following listed references have not been submitted with the Appeal Brief:

Rieben, et al., *Xenotransplantation*, 2:98-106 (1995)

Yeatman, et al., *Transplantation*, 65(8):1084-1093 (1998) (abstract)

Vanhove, et al., *Transplantation*, 66(11):1477-1485 (1998) (abstract)

Strokan, et al., *Xenotransplantation*, 5(2):111-121 (1998) (abstract)

Piedrahita, et al., *Biol. Reprod.*, 58(5):1321-1329 (1998) (abstract)

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Piedrahita, et al., *J. Reprod. Fertil. Suppl.*, 52:245-254 (1997)
(abstract)

PUBMED results (11 abstracts from 1988-1992) illustrating the general knowledge of those skilled in the art of making transgenic pigs.

Appellants are required to submit these missing references to complete the Evidence Appendix.

Accordingly, it is

ORDERED that this application is remanded to the Examiner to notify Appellants to submit copies of the missing reference identified above, to have the references electronically scanned into the Image File Wrapper (IFW), and for such further action as may be appropriate.

clj

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