

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GUSTAVO A. DASCANIO and EDMUND M. ELLION

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Appeal 2008-1805  
Application 10/331,127  
Technology Center 3700

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Mailed: June 5, 2008

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

ORDER DISMISSING APPEAL

On December 1, 2006, Appellants filed a Notice of Appeal. On May 20, 2008, Appellants filed a Request for Continued Examination (RCE) under 37 CFR ' 1.114. Pursuant to the notice entitled ARequest for Continued Examination Practice and Changes to Provisional Application Practice,@ 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR ' 1.114(d), a request for continued examination under 37 CFR

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' 1.114 filed after appeal has been taken, but prior to a decision on the appeal, A will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.@

Accordingly, it is

ORDERED that this appeal is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

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

DISMISSED

clj

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