

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte KATSUAKI YASUI*

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Appeal 2008-1885  
Application 10/287,474  
Technology Center 2800

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Decided: July 28, 2008

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Before BRADLEY R. GARRIS, TERRY J. OWENS, and  
CATHERINE Q. TIMM, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

We remand this application to the Examiner for action consistent with our comments below.

This appeal presents a § 103 rejection of claim 9 over Griffin (US Patent 6,298,311) in view of the Japanese reference to Katou (JP 09-309402) and a § 103 rejection of claim 10 over the Katou reference. The only English language translation of record for the Japanese reference is

inadequate for appellate review of the pending rejections because it is a computer generated translation. In order to make an informed analysis of the rejections on appeal, a formal translation of the Katou reference is required.

Therefore, the Examiner must respond to this remand by obtaining from Translation Branch of STIC a formal translation (or equivalent) of JP 09-309402. See the translation guidelines in the Manual of Patent Examining Procedure (MPEP) § 901.05(d)(Rev. 5, Aug. 2006). Upon receiving the formal translation (or equivalent), the Examiner must review it in order to determine whether the pending rejections should be maintained. If the pending rejections are maintained, the Examiner should so notify Appellant via a Supplemental Examiner's Answer and provide Appellant with a copy of the translation. After the appropriate time period for filing a reply brief has run, the Examiner should forward the application to the Board of Patent Appeals and Interferences for processing of the appeal.

This Remand to the Examiner pursuant to 37 C.F.R. § 41.50(a)(1) is made for further consideration of a rejection. Accordingly, 37 C.F.R. § 41.50(a)(2) applies if a Supplemental Examiner's Answer is written in response to this Remand by the Board.

**REMAND**

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