

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CANDIDO ALVARADO

Appeal No. 2008-5814
Application 11/144,922
Technology Center 2800

Mailed: October 20, 2008

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

ORDER REMANDING TO EXAMINER

EXAMINER'S ANSWER

Appeals Conference

On February 8, 2008, a subsequent Examiner's Answer was mailed.
A review of the Examiner's Answer reveals that it is not in compliance with

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the appeals conference requirement as set forth in the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., rev. 1, Feb. 2003).

According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

On the examiner=s answer, below the primary examiner=s signature, the word AConferees:@ should be included, followed by the type or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer mailed February 8, 2008 was not signed or initialed by any of the appeals conference participants. Appropriate correction is required as required under MPEP § 1208.

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

DMS/cam

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