

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

Paper No. 37

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte INTEVAC INC.

Appeal No. 2000-0813
Reexamination Control No. 90/004,396

ORDER REMANDING TO EXAMINER

An Information Disclosure Statement was filed February 11, 1997 (Paper No. 7). It is not apparent from the record that the examiner properly considered the Information Disclosure Statement that was submitted, nor notified appellant ***in writing*** that it has been considered.

Furthermore, applicant was charged on February 29, 2000, the fee for an Oral Hearing as a result of a paper filed or about February 10, 2000. However, this paper does not appear to be in the application.

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Accordingly, it is:

ORDERED that the application be remanded to the Examiner for such consideration of the IDS statement of Paper No. 7, clarification of whether there is a paper requesting an Oral Hearing and presentation of such if so, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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