

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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***Ex parte*** YOKO HAYASHI and  
TAKAAKI ITOH

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Appeal No. 1997-4112  
Application 08/062,210

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ORDER REMANDING TO EXAMINER

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A new ground of rejection was raised in the Examiner's Answer entered March 5, 1997 (Paper No. 26). A Reply Brief was filed May 5, 1997 (Paper No. 27) in response to the new ground of rejection raised in the Examiner's Answer.

The examiner acknowledged the Reply Brief in a communication entered June 11, 1997 (Paper No. 29). The ***Manual of Pat. Examining Procedure*** (MPEP)

§ 1208.04 (6th ed., rev. 3, July 1997) states:

If the reply brief was filed in response to a new ground of rejection in the examiner's answer, the examiner must issue a supplemental answer indicating whether the new ground of rejection has been overcome, and, if it has not, explaining why not.

There is no indication in the record setting forth the status of the new ground of rejection.

Accordingly, it is

Appeal No. 1997-4112  
Application 08/062,210

ORDERED that the application is **remanded** to the Examiner for proper response to the Reply Brief, 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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