



MEMORANDUM

Date: June 14, 2004

To: Technology Center Directors
TC Special Program Examiners

From: /s/ Stephen G. Kunin
Stephen G. Kunin
Deputy Commissioner for Patent Examination Policy

Subject: Reminder of Office procedure for giving appellant notice and opportunity to reply to a request for rehearing of a decision by the Board of Patent Appeals and Interferences

It has been brought to my attention that appellants have not been notified and given an opportunity to reply to a request by the Technology Center (TC) to the Board of Patent Appeals and Interferences (Board) for rehearing of a Board decision.

This is a reminder of the Office procedure for giving the appellant notice and opportunity to reply to a request by the TC for rehearing of a Board decision. As noted in MPEP § 1214.04, the examiner's request for rehearing must be approved by the TC Director. The request should set a period of one month for the appellant to file a reply. Upon approval by the TC Director, the request for rehearing must be forwarded to the Office of the Deputy Commissioner for Patent Examination Policy for approval. If the request for rehearing is approved by the Office of the Deputy Commissioner for Patent Examination Policy, the TC will mail a copy of the request for rehearing to the appellant. After the period set for appellant to file a reply (plus mailing time) has expired, the application file will be forwarded to the Board.