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10/638,489	08/12/2003	Reinhold Schmieding	A8130.0139/P139	5702
24998	7590	02/10/2011	EXAMINER	
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			RAMANA, ANURADHA	
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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte REINHOLD SCHMIEDING

Appeal 2009-014904
Application 10/638,489
Technology Center 3700

Before TONI R. SCHEINER, DONALD E. ADAMS, and
STEPHEN WALSH, *Administrative Patent Judges*.

ADAMS, *Administrative Patent Judge*.

DECISION ON APPEAL¹

This appeal under 35 U.S.C. § 134 involves claims 1 and 6-14.
Claims 14 and 16-20 were “withdrawn from consideration but not canceled”
(App. Br. 2; Reply Br. 2). We have jurisdiction under 35 U.S.C. § 6(b).

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appeal 2009-014904
Application 10/638,489

The Examiner rejected claims 1 and 6-13 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Cerundolo² and Johnson.³

Upon consideration of the evidence on this record and each of Appellant's contentions, we find that the preponderance of evidence on this record falls in favor of Appellant for the reasons set forth in Appellant's Brief and Reply Brief. Accordingly, we reverse the rejection of record.

REVERSED

alw

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² Cerundolo, US 6,488,033 B1, issued December 3, 2002.

³ Johnson et al., US 6,595,998 B2, issued July 22, 2003.