

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1383
(Serial No. 08/988,507)

IN RE ALBERT BAUER

Appeal from the United States Patent and Trademark Office, Board of Patent Appeals and Interferences.

ON MOTION

ORDER

Albert Bauer moves for leave to file a DVD in the joint appendix. The Director of the United States Patent and Trademark Office opposes.

Bauer states that he wishes to include in the joint appendix a DVD containing contents of a video tape that he asserts was shown to the examiner. Bauer cites to the DVD in his briefs and argues that the DVD should be considered on appeal, even though it was not formally entered into the record below. The Director argues that because the contents of the DVD were not formally entered into the record below, they should not be included in the joint appendix. The Director also states that the joint appendix filed by Bauer is not in compliance with this court's rules because it does not include all pages referenced in the Director's brief. The Director attaches a letter that lists the documents that should also have been included in the joint appendix.

Upon consideration thereof,

IT IS ORDERED THAT:

