

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-1060
(Serial No. 09/830,306)

IN RE DAVID JOHN BENJAMIN PEARCE and JON ALASTAIR GIBBS

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

ON MOTION

Before DYK, Circuit Judge.

ORDER

The Director of the Patent and Trademark Office moves without opposition to remand this appeal for further proceedings.

The Director's motion to remand is cursory and does not explain the basis of the remand or what further proceedings or review is necessary by the Board. Thus, his motion is denied.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to remand is denied without prejudice to renewal within 21 days of the date of filing of this order.

(2) The appellants' opening brief is due within 45 days of the date of filing of this order.

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly
Clerk

JAN 27 2010

Date

cc: Lawrence John Chapa, Esq.
Raymond T. Chen, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JAN 27 2010

JAN HORBALY
CLERK