

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

(Reexamination No. 90/008,853)

IN RE LIZY KURIAN JOHN

2010-1222

Appeal from the United States Patent and Trademark
Office.

ON MOTION

Before RADER, FRIEDMAN, and GAJARSA, *Circuit Judges*.
GAJARSA, *Circuit Judge*.

O R D E R

The Director of the United States Patent and Trade-
mark Office moves to dismiss Lizy Kurian John's appeal
for lack of jurisdiction. John responds. The Director
replies.

John filed this appeal seeking review of a non-final
decision by the Director of the Patent and Trademark
Office denying John's petition requesting that the Direc-
tor vacate or dismiss a reexamination order. Proceedings

are ongoing at the Board of Patent Appeals and Interferences.

The Director argues that this court lacks jurisdiction to review an appeal of a decision by the Director on a petition such as this. We agree. *See In re Makari*, 708 F.2d 709 (Fed. Cir. 1983) (no jurisdiction to review the decision of the Commissioner on a petition). Further, John has not demonstrated that this case should be transferred. John may seek review from a final Board decision.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss the appeal is granted.
- (2) Each side shall bear its own costs.

FOR THE COURT

MAY 19 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Michael F. Campillo, Esq.
Raymond T. Chen, Esq.

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Issued as a mandate: MAY 19 2010

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

MAY 19 2010

JAN HORBALY
CLERK