

NOTE: This order is nonprecedential.

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

SRAM LLC,
Appellant,

v.

**DAVID J. KAPPOS, DIRECTOR
UNITED STATES PATENT AND TRADEMARK
OFFICE,**
Appellee,

AND

SHIMANO, INC.,
Appellee.

2012-1146, -1147
(Reexamination No. 95/001,309)

Appeals from the United States Patent and Trade-
mark Office, Board of Patent Appeals and Interferences.

ON MOTION

Before NEWMAN, LOURIE, and O'MALLEY, *Circuit Judges.*
NEWMAN, *Circuit Judge.*

O R D E R

SRAM, LLC moves to remand this appeal for further proceedings. SRAM states that the Director of the Patent and Trademark Office consents to this motion. SRAM also moves without opposition for an extension of time to file its opening brief.

In its papers, SRAM states that the Board of Patent Appeals and Interferences erred in relying on a new ground of rejection in regard to claims 2, 6, and 7 of U.S. Patent No. 7,559,414. Because we agree with the parties' contentions that the Board should have identified its new ground of rejection and allowed SRAM an opportunity to respond, we vacate the Board's decision and remand for appropriate further findings. *See In re Leithem*, 661 F.3d 1316 (Fed. Cir. 2011).

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The Board's decision is vacated and the matter is remanded for appropriate further findings.

(2) The motion for an extension of time is moot.

FOR THE COURT

JUN 21 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Richard B. Walsh, Jr., Esq.
James A. Deland, Esq.
Raymond T. Chen, Esq.

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

JUN 21 2012

**JAN HORBALY
CLERK**