

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CONSTANTIN EFTHYMIPOULOS

Appeal 2014-008350
Application 08/737,141
Technology Center 1600

Before DEMETRA J. MILLS, ERIC B. GRIMES, and LORA M. GREEN,
Administrative Patent Judges.

MILLS, *Administrative Patent Judge.*

DECISION ON REQUEST FOR REHEARING

Appellant requests rehearing of our Decision dated March 12, 2015.
We have jurisdiction under 35 U.S.C. § 6(b).

PRINCIPLES OF LAW

37 C.F.R. § 41.52 states, in pertinent part, that

(a)(1) . . .

The request for rehearing must state with particularity the points believed to have been misapprehended or overlooked by the Board. Arguments not raised in the briefs before the Board and evidence not previously relied upon in the brief and any reply brief(s) are not permitted in the request for rehearing except as permitted by paragraphs (a)(2) and (a)(3) of this section. When a

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request for rehearing is made, the Board shall render a decision on the request for rehearing. The decision on the request for rehearing is deemed to incorporate the earlier opinion reflecting its decision for appeal, except for those portions specifically withdrawn on rehearing, and is final for the purpose of judicial review, except when noted otherwise in the decision on rehearing.

(2) Upon a showing of good cause, appellant may present a new argument based upon a recent relevant decision of either the Board or a Federal Court.

(Emphasis added.)

ANALYSIS

Appellant's Request for Rehearing reiterates arguments previously argued in the Brief and addressed in our original Decision. Appellant has not specifically pointed to any issue misapprehended or overlooked by the Board in the Request for Rehearing. Appellant's arguments primarily center upon the weight given the evidence of record by the Board (Req. Reh'g 5), which is not a proper basis for requesting rehearing.

We decline to alter our original Decision and the Request for Rehearing is denied.

TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

DENIED

cdc