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In re Application of: :  
JAN WILLEM MARINUS MJERS :  
Application No. 14/422,183 : DECISION ON PETITION  
Filed: 18 February 2015 :  
Title: LOW OPENING PRESSURE :  
ANTI-SIPHON CHECK VALVE :

This is a decision on the petition under 37 CFR 1.181 filed October 19, 2020, requesting that the Director exercise supervisory authority and overturn the decision of August 19, 2020, by the Director of Technology Center 3700 (Technology Center Director), which Technology Center Director decision refused to grant petitioner's request for entry of drawings filed October 30, 2019, and withdrawal of drawing and specification objections in the final Office action issued March 2, 2020.

The petition to overturn the Technology Center Director's decision of August 19, 2020, and to direct the examiner to enter the drawings filed October 30, 2019, and withdraw the objections to the drawing in the final Office action of March 2, 2020, is **DENIED**.

**RELEVANT BACKGROUND**

The above-identified application was filed on February 18, 2015.

A non-final Office action was issued on May 5, 2017. The Office action of May 5, 2017, included, *inter alia*: (1) an objection to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims; (2) an objection of claim 18; (3) a rejection of claims 1 through 22 under 35 U.S.C. § 112(a),<sup>1</sup> as failing to comply with the enablement

<sup>1</sup> Section 4 of the Leahy-Smith America Invents Act (AIA) designated pre-AIA 35 U.S.C. § 112, ¶¶ 1 through 6, as 35 U.S.C. §§ 112(a) through (f), effective as to applications filed on or after September 16, 2012. See Pub. L. No. 112-29, § 4, 125 Stat. 284, 293-97 (2011). Section 3 of the Leahy-Smith America Invents Act (AIA) revised 35

requirement; (4) a rejection of claims 8 through 13 and 15 through 22 under 35 U.S.C. § 112(b), as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention; (5) a rejection of claim 6 under 35 U.S.C. § 112(d), as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends; (6) a rejection of claims 1, 2, 5 through 7, 13, 14, 18, and 22 under 35 U.S.C. § 102(b) as being anticipated by McMahon (U.S. Patent Publication No. 2010/0152680); (7) a rejection of claims 1 through 10, 13 through 17, and 22 under 35 U.S.C. § 102(b) as being anticipated by Lacroix (EP 0648513); (8) a rejection of claims 1, 12, and 19 through 21 under 35 U.S.C. § 102(b) as being anticipated by Mijers (U.S. Patent Publication No. 2005/0016596); (9) a rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Lacroix in view of McMahon; (10) a rejection of claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Lacroix in view of Mijers; and (11) a notification that should claim 2 be found allowable, claim 5 would be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

A reply to the non-final Office action of May 5, 2017, was filed on August 7, 2017. The reply of August 7, 2017, included a response to each objection and rejection presented in the Office action of May 5, 2017, and an amendment to the claims canceling claims 2, 5, and 6; amending claims 7 through 13, and 15 through 21; and adding new claims 23 through 34.

A final Office action was issued on November 24, 2017. The final Office action of November 24, 2017, included, *inter alia*: (1) an objection to the specification; (2) an objection to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims; (3) an objection of claims 13, 29, 31, and 33; (4) a rejection of claims 1 through 34 under 35 U.S.C. § 112(a), as failing to comply with the enablement requirement; (5) a rejection of claims 18, 31, 33, and 34 under 35 U.S.C. § 112(a), as failing to comply with the written description requirement; (6) a rejection of claims 8 through 13, 15, 16, and 19 through 21 under 35 U.S.C. § 112(b), as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention; (7) a rejection of claims 1, 7, 13, 14, 22 through 25, and 30 through 34 under 35 U.S.C. § 102(b) as being anticipated by McMahon (U.S. Patent Publication No. 2010/0152680); (8) a rejection of claims 1, 2, 3, 4, 7 through 10, 12 through 18, 22, 26, and 28 under 35 U.S.C. § 102(b) as being anticipated by Lacroix (EP 0648513); (9) a rejection of claims 1, 27, and 29 under 35 U.S.C. § 102(b) as being anticipated by Mijers (U.S. Patent Publication No. 2005/0016596); (10) a rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Lacroix in view of McMahon; and (11) a rejection of claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Lacroix in view of Mijers.

A reply to the final Office action of November 24, 2017, was filed on February 26, 2018. The reply of February 26, 2018, included a response to each objection and rejection presented in the

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U.S.C. §§ 102 and 103, effective as to applications ever having a claim with an effective filing date on or after March 16, 2013, or ever having a reference under 35 U.S.C. §§ 120, 121, or 365(c) to any patent or application that ever contained such a claim with an effective filing date on or after March 16, 2013. *See* Pub. L. No. 112-29, § 3, 125 Stat. at 285-293. The above-identified application was filed after September 16, 2012 and claims reference under 35 U.S.C. § 365 to an application having a claim with an effective filing date before March 16, 2013. Therefore, this decision refers to the AIA version of 35 U.S.C. § 112 and the pre-AIA version of 35 U.S.C. §§ 102 and 103.

final Office action of November 24, 2017, and included a proposed amendment to claims 8 through 11, 13, 20, 21, 29, 31, and 33.

An advisory action was issued on April 4, 2018. The advisory action of April 4, 2018, notified applicant that the proposed amendments of February 26, 2018, overcome the rejection of claims 8 through 11, 20, and 21 under 35 U.S.C. § 112(b), and would be entered for purposes of appeal. The advisory action of April 4, 2018, responded to applicant's arguments made in the reply of February 26, 2018, and notified the applicant that the request for reconsideration did not place the application in condition for allowance.

A reply to the final Office action of November 24, 2017, was filed on April 24, 2018. The reply of April 24, 2018, included a Request for Continued Examination (RCE) and a submission under 37 CFR 1.114 in the form of an amendment. In the reply of April 24, 2018, petitioner included a response to each objection and rejection presented in the final Office action of November 24, 2017, and an amendment to the claims, cancelling claims 16, 18 through 21, 25, 31, 33, and 34, and amending claims 1, 4, 9 through 11, 13, 15, and 29.

A non-final Office action was issued on June 28, 2018. The Office action of June 28, 2018, included, *inter alia*: (1) an objection to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims; (2) an objection of claims 9, 10, 15, and 17; (3) a rejection of claims 1, 3, 4, 7 through 15, 17, 22 through 24, 26 through 30, and 32 under 35 U.S.C. § 112(a), as failing to comply with the written description requirement; (4) a rejection of claim 15 under 35 U.S.C. § 112(b), as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention; (5) a rejection of claim 24 under 35 U.S.C. § 112(d), as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends; (6) a rejection of claims 1, 7, 13, 14, 22 through 24, 30, and 32 under 35 U.S.C. § 102(b) as being anticipated by McMahon (U.S. Patent Publication No. 2010/0152680); (7) a rejection of claims 3, 4, 9 through 11, 17, and 27 through 29 under 35 U.S.C. § 103(a) as being unpatentable over McMahon in view of Kamen (U.S. Patent No. 5,195,986); (8) a rejection of claim 10 under 35 U.S.C. § 103(a) as being unpatentable over McMahon in view of Kamen and in further view of Lacroix (EP 0648513); (9) a notification that claims 8, 12, and 27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and (10) a notification that claim 15 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112(b), and including all of the limitations of the base claim and any intervening claims.

A reply to the non-final Office action of June 28, 2018, was filed on September 28, 2018. The reply of June 28, 2018, included a response to each objection and rejection presented in the Office action of June 28, 2018, and an amendment to the claims, cancelling claim 32; amending claims 1, 9, 15, 17, and 24; and adding new claims 35 through 45.

A final Office action was issued on February 20, 2019. The final Office action of February 20, 2019, included, *inter alia*: (1) an objection to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims; (2) an objection of claim 35; (3) a

rejection of claims 1, 3, 4, 7 through 9, 12, 13, 15, 17, 22 through 24, 26 through 30, and 35 through 45 under 35 U.S.C. § 112(a), as failing to comply with the written description requirement; (4) a rejection of claims 15, 24, 35 through 38, and 40 through 45 under 35 U.S.C. § 112(b), as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention; (5) a rejection of claims 1, 7, 13, 14, 22, 23, 30, 35, 40, 41, 44, and 45 under 35 U.S.C. § 102(b) as being anticipated by McMahon (U.S. Patent Publication No. 2010/0152680); (6) a rejection of claims 3, 4, 9, 26, 28, 29, 38, and 37 under 35 U.S.C. § 103(a) as being unpatentable over McMahon in view of Kamen (U.S. Patent No. 5,195,986); (7) a notification that claims 8, 12, 27, 36, 37, and 42 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and (8) a notification that claim 15 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112(b), and including all of the limitations of the base claim and any intervening claims.

A reply to the final Office action of February 20, 2019, was filed on April 22, 2019. The reply of April 22, 2019, included a response to each objection and rejection presented in the final Office action of February 20, 2019, and included a proposed amendment to claim 35.

A non-final Office action was issued on May 31, 2019. The Office action of May 31, 2019, included, *inter alia*: (1) an objection to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims; (2) a rejection of claims 1, 3, 4, 7 through 9, 12, 13, 15, 17, 22 through 24, 26 through 30, and 35 through 45 under 35 U.S.C. § 112(a), as failing to comply with the written description requirement; (3) a rejection of claims 1, 3, 4, 7 through 9, 12, 13, 15, 17, 22 through 24, 26 through 30, and 35 through 45 under 35 U.S.C. § 112(b), as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention; (4) a rejection of claims 1, 7, 13, 14, 22, 23, 30, 35, 40, 41, 44, and 45 under 35 U.S.C. § 102(b) as being anticipated by McMahon (U.S. Patent Publication No. 2010/0152680); (5) a rejection of claims 3, 4, 9, 26, 28, 29, and 37 under 35 U.S.C. § 103(a) as being unpatentable over McMahon in view of Kamen (U.S. Patent No. 5,195,986); (6) a notification that claims 8, 12, 27, 36, 37, and 42 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and (7) a notification that claims 15 and 38 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112(b), and including all of the limitations of the base claim and any intervening claims.

A reply to the non-final Office action of May 31, 2019, was filed on October 30, 2019. The reply of October 30, 2019, included a response to each objection and rejection presented in the Office action of May 31, 2019, an amendment to the specification, an amendment to drawings, and an amendment to the claims, cancelling claim 15, 35, 38, 41, 43, and 45; amending claims 1, 4, 17, 24, 30, 36, 37, 40, and 44; and adding new claims 46 through 51.

A final Office action was issued on March 2, 2020. The final Office action of March 2, 2020, included, *inter alia*: (1) a notice that the replacement drawings of October 30, 2019, introduce new matter unsupported by the originally filed application and would not be entered; (2) an objection to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims; (3) an objection to the amendment to the specification of October 30,

2019, under 35 U.S.C. § 132(a) for introducing new matter into the disclosure on the invention; (4) a rejection of claims 1, 3, 4, 7 through 9, 12, 13, 17, 22 through 24, 26 through 30, 36, 37, 39, 40, 42, 44, and 46 through 51 under 35 U.S.C. § 112(a), as failing to comply with the written description requirement; (5) a rejection of claim 7 under 35 U.S.C. § 112(b), as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention; (6) a rejection of claims 1, 7, 13, 22, 23, 30, 40, 44, and 51 under 35 U.S.C. § 102(b) as being anticipated by McMahon (U.S. Patent Publication No. 2010/0152680); (7) a rejection of claims 3, 4, 9, 26, 28, 29, and 37 under 35 U.S.C. § 103(a) as being unpatentable over McMahon in view of Kamen (U.S. Patent No. 5,195,986); and (8) a notification that claims 8, 12, 27, 36, 37, 42, 46, and 47 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A petition under 37 CFR 1.181 to the Technology Center Director was filed on May 4, 2020. The petition under 37 CFR 1.181 of May 4, 2020, requested the drawings filed on October 30, 2019, be entered, and the drawing and specification objections for improperly introducing new subject matter into the disclosure and for failing to show every feature of the invention specified in the claims, in the final Office action mailed March 2, 2020, be withdrawn. The petition under 37 CFR 1.181 of May 4, 2020, was dismissed by the Technology Center Director in a decision issued on June 12, 2020.

A reply to the final Office action of March 2, 2020, was filed on July 2, 2020. The reply of July 2, 2020, included a proposed amendment to the specification and drawings.

A pre-brief conference request and a notice of appeal were filed on August 3, 2020.

A renewed petition under 37 CFR 1.181 to the Technology Center Director was filed on August 12, 2020. The petition under 37 CFR 1.181 of August 12, 2020, requested the drawings filed on October 30, 2019, be entered, and the drawing and specification objections for improperly introducing new subject matter into the disclosure and for failing to show every feature of the invention specified in the claims, in the final Office action mailed March 2, 2020, be withdrawn. The petition under 37 CFR 1.181 of August 12, 2020, was denied by the Technology Center Director in a decision issued on August 19, 2020.

An advisory action was issued on August 19, 2020. The advisory action of August 19, 2020, notified applicant that the proposed amendments of July 2, 2020, would not be entered, indicated the request for reconsideration did not place the application in condition for allowance, and responded to applicant's arguments made in the reply of July 2, 2020.

A pre-brief appeal conference decision was issued on October 7, 2020. The pre-brief appeal conference decision of October 7, 2020, notified the applicant that in response to the pre-appeal brief request for review filed August 3, 2020, the application will proceed to the Board of Patent Appeals and Interferences.

A petition under 37 CFR 1.181 was filed on October 19, 2020, requesting review of the August 19, 2020, decision by the Technology Center Director. The petition of October 19, 2020,

requests for entry of drawings filed October 30, 2019, and withdrawal of drawing and specification objections in the final Office action issued March 2, 2020.

**STATUTE AND REGULATION**

35 U.S.C. § 112(a), provides that:

IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

35 U.S.C. § 131 provides that:

The Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefore.

35 U.S.C § 132 provides that:

(a) Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention.

(b) The Director shall prescribe regulations to provide for the continued examination of applications for patent at the request of the applicant. The Director may establish appropriate fees for such continued examination and shall provide a 50 percent reduction in such fees for small entities that qualify for reduced fees under section 41(h)(1).

35 U.S.C § 134(a) provides that:

PATENT APPLICANT.— An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Patent Trial and Appeal Board, having once paid the fee for such appeal.

37 CFR 1.83(a) provides that:

The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of

the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). In addition, tables that are included in the specification and sequences that are included in sequence listings should not be duplicated in the drawings.

37 CFR 1.181 provides in pertinent part that:

(a) Petition may be taken to the Director:

- (1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Patent Trial and Appeal Board or to the court;
- (2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and
- (3) To invoke the supervisory authority of the Director in appropriate circumstances. For petitions involving action of the Patent Trial and Appeal Board, see § 41.3 of this title.

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(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

37 CFR 41.31 provides in pertinent part that:

(a) *Who may appeal and how to file an appeal.* An appeal is taken to the Board by filing a notice of appeal.

- (1) Every applicant, any of whose claims has been twice rejected, may appeal from the decision of the examiner to the Board by filing a notice of appeal accompanied by the fee set forth in § 41.20(b)(1) within the time period provided under § 1.134 of this title for reply.

### OPINION

The petitioner requests to have the drawings filed on October 30, 2019, entered, and the objections to the specification and drawings made in the final Office action of March 2, 2020, withdrawn, because the limitations in the claims, as well as the subject matter shown in the drawings and specification, are fully supported by the originally filed specification. The petitioner states:

A reference number added to a drawing is not new matter and if the amendments to the specification simply shows what the Examiner herself asserts is *necessarily* required, in the context of an originally filed claim rejected for lack of written description -- an originally filed claim -- the amendments are not new matter (*Yeda*

*Research and Dev. Co., Kennecott Corp., Modine Manufacturing, etc.*) The amendments to the drawings and specification are simply an attempt to cooperate with the Examiner who has rejected all of our originally filed claims as failing the written description requirement.<sup>2</sup>

Ordinarily, “[a] rejection of claims is reviewable by the Patent Trial and Appeal Board (Board), whereas an objection and requirement to delete new matter is subject to supervisory review by petition under 37 CFR 1.181. If both the claims and specification contain new matter either directly or indirectly, and there has been both a rejection and objection by the examiner, the issue becomes appealable and should not be decided by petition.” MPEP 2163.06(II). Specifically, the appropriate forum for review of an examiner’s objection to the specification and/or drawings for introduction of new matter and requirement to cancel such new matter is well established: (1) if the new matter in question is confined to the specification and/or drawings, and does not relate to a rejection of the claims, review of the objection to the specification and drawings for introduction of new matter and requirement to cancel such new matter is by way of petition under 37 CFR 1.181 (*Ex parte Wilcox*, 39 USPQ 501, 502 (Bd. Pat. App. 1938)); and (2) if the new matter in question is introduced into or affects the claims, thus necessitating their rejection on this ground, review of the objection to the specification and/or drawings for introduction of new matter and requirement to cancel such new matter is by way of an appeal of the rejected claims, and should not be considered on petition even though that new matter has been introduced into the specification and/or drawings as well (*Ex parte Coad*, 92 USPQ 431, 433 (Bd. Pat. App. 1951)).

A review of the record of this application reveals that claims 1, 3, 4, 7 through 9, 12, 13, 17, 22 through 24, 26 through 30, 36, 37, 39, 40, 42, 44, and 46 through 51 under 35 U.S.C. § 112(a), as failing to comply with the written description requirement, based upon the objection to the amendment to the specification of October 30, 2019, under 35 U.S.C. § 132(a) for introducing new matter into the disclosure on the invention. There is no dispute that the material objected to by the examiner as being new matter is also introduced into claims 1, 3, 4, 7 through 9, 12, 13, 17, 22 through 24, 26 through 30, 36, 37, 39, 40, 42, 44, and 46 through 51, and that the examiner’s new matter objection “relates” to the rejection of claims 1, 3, 4, 7 through 9, 12, 13, 17, 22 through 24, 26 through 30, 36, 37, 39, 40, 42, 44, and 46 through 51 under 35 U.S.C. § 112(a). Since the objection to the specification and drawings of which petitioner seeks review by petition relates to the rejection of claims 1, 3, 4, 7 through 9, 12, 13, 17, 22 through 24, 26 through 30, 36, 37, 39, 40, 42, 44, and 46 through 51 under 35 U.S.C. § 112(a), such objections are properly reviewable by way of an appeal of the rejected claims because the Board’s decision on the appeal will likely be dispositive of any objection that “relates” to the rejection. *See In Ex Parte C*, 27 USPQ 1491, 1494 (BPAI 1992) (when the specification is “objected to” and the claims are “rejected” for the same reasons, consideration of the propriety of the objection is usually held in abeyance because the Board’s decision may well be dispositive of both the “objection” and the “rejection”).

The review of the propriety of a rejection *per se* (and its underlying reasoning) is by way of an appeal as provided by 35 U.S.C. § 134 and 37 CFR 41.31, and not by way of petition under 37 CFR 1.181, even if a petitioner frames the issues as concerning procedure versus the merits. *See*

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<sup>2</sup> Petition for review by the Office of Petitions, dated October 19, 2020, p. 2.



*Boundy v. U.S. Patent & Trademark Office*, 73 USPQ2d 1468, 1472 (E.D. Va. 2004). As stated by the Court of Customs and Patent Appeals (a predecessor of the U.S. Court of Appeals for the Federal Circuit), the adverse decisions of examiners, which are reviewable by the Board, are those which relate, at least indirectly, to matters involving the rejection of claims. *See In re Hengehold*, 440 F.2d 1395, 1404 (CCPA 1971). That an applicant casts the argument as directed to a procedural requirement (rather than the merits of the rejection) does not untether the review of the *prima facie* case from the review of the merits of the rejection. *See In re Jung*, 637 F.3d 1356, 1363 (Fed. Cir. 2011) (applicant's procedural arguments concerning the *prima facie* case requirement are the same arguments that would have been made on the merits). An applicant dissatisfied with an examiner's decision in the second or subsequent rejection may appeal to the Patent Trial and Appeal Board. *See* 37 CFR 41.31(a)(1). It is well settled that the Director will not, on petition, usurp the functions or impinge upon the jurisdiction of the Patent Trial and Appeal Board. *See In re Dickerson*, 299 F.2d 954, 958 (CCPA 1962) (The Board will not ordinarily hear a question that should be decided by the Director on petition, and the Director will not ordinarily entertain a petition where the question presented is a matter appealable to the Board). *See also* MPEP 1201.

Furthermore, the petitioner argues, "the refusal to enter the drawings is arbitrary and capricious, thus violating the Administrative Procedures Act (APA)."<sup>3</sup> MPEP 608.02(II) states: "If the examiner discovers new matter in a substitute or additional drawing, the drawing should not be entered. The drawing should be objected to as containing new matter." Thus, the examiner followed the procedure outlined in MPEP 608.02(II). As discussed above, the issue of new matter in the instant application is not reviewable on petition, but is a matter appealable to the Patent Trial and Appeal Board.

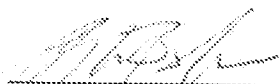
### DECISION

The petition to overturn the Technology Center Director's decision of August 19, 2020, request for entry of drawings filed October 30, 2019, and withdrawal of drawings and specification objections in the final Office action issued March 2, 2020, is **DENIED**.

This constitutes a final decision on this petition. No further request for reconsideration will be entertained. Judicial review of this petition decision may be available upon entry of a final agency action adverse to the petitioner in the instant application (e.g., a final decision by the Patent Trial and Appeal Board). *See* MPEP 1002.02.

This application is being forwarded to Technology Center 3700 for further processing.

Robert W. Bahr  
Deputy Commissioner  
for Patents



<sup>3</sup> *Id.* at p. 3.