



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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In re Application of:  
Schwartz Mitchell R.  
Application No. 16/501,296  
Filed: March 20, 2019  
Title: APPARATUS TO PRODUCE HEAT  
AND ELECTRICAL ENERGY FROM  
HYDROGEN-LOADED MATERIALS

DECISION ON PETITION

This is in response to the petition filed September 13, 2022, requesting that the Director exercise supervisory authority and review the decision issued August 18, 2022. The decision of August 18, 2022, **DENIED** the petition filed May 23, 2022, which requested that the Director exercise supervisory authority and overturn the decision of May 18, 2022, by the Director of Technology Center 3600 (Technology Center Director).

37 CFR 1.181(g) provides that “[t]he Director may delegate to appropriate Patent and Trademark Office officials the determination of petitions.” See 37 CFR 1.181(g); see also MPEP 1002.02 (“[i]n accordance with 37 CFR 1.181(g), the authority to decide petitions to the Director of the USPTO not otherwise delegated, has been delegated to various Office officials”). A party to a proceeding in the United States Patent and Trademark Office (USPTO) has a right to petition and receive a decision by the USPTO official delegated authority to render the decision, but any further consideration of the petition is not a matter of right. See *In re Staeger*, 189 USPQ 284, 284-85 (Comm’r Pat. 1974).

Petitions under 37 CFR 1.181 seeking to invoke the supervisory authority of the Director of the USPTO to review the decision of a Technology Center Director are delegated to the Deputy Commissioner for Patent Examination Policy. See MPEP 1002.02(b) (item 17). There is no provision (in 37 CFR 1.181, 1.182, or otherwise) for further review within the USPTO of a decision of a Deputy Commissioner for Patents. See MPEP 1002.02 (“[i]n any case in which the authority to decide the petition has been delegated as indicated in MPEP §§ 1002.02(b)... a denial of a petition is a final agency decision”).

As indicated in the decision of August 18, 2022, no further reconsideration of the decision of August 18, 2022, will be entertained. See MPEP §1002.02.

Robert W. Bahr  
Deputy Commissioner  
for Patents