... it is incumbent upon [the] Office ... to explain why it doubts the truth or accuracy of [any] statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with contested statement; ... ."

From In re Costello, 178 USPQ 290,92:

"There is no justification for simply ignoring appellant's allegations of unexpected results."

From Ex parte Johnson, 40 USPQ 576:

"The examiner makes no showing ... [that applicant's statement is incorrect] and this tribunal is not so expert in the art as to disagree with applicant's sworn description and agree with the examiner without cause."

From In re Andrews, 168 USPQ 360,66:

"We cannot take judicial notice of ... the impossibility of what appellant asserts ... . Accordingly, we reverse the rejection which, in our view, ignored the thrust of appellant's application in this regard."

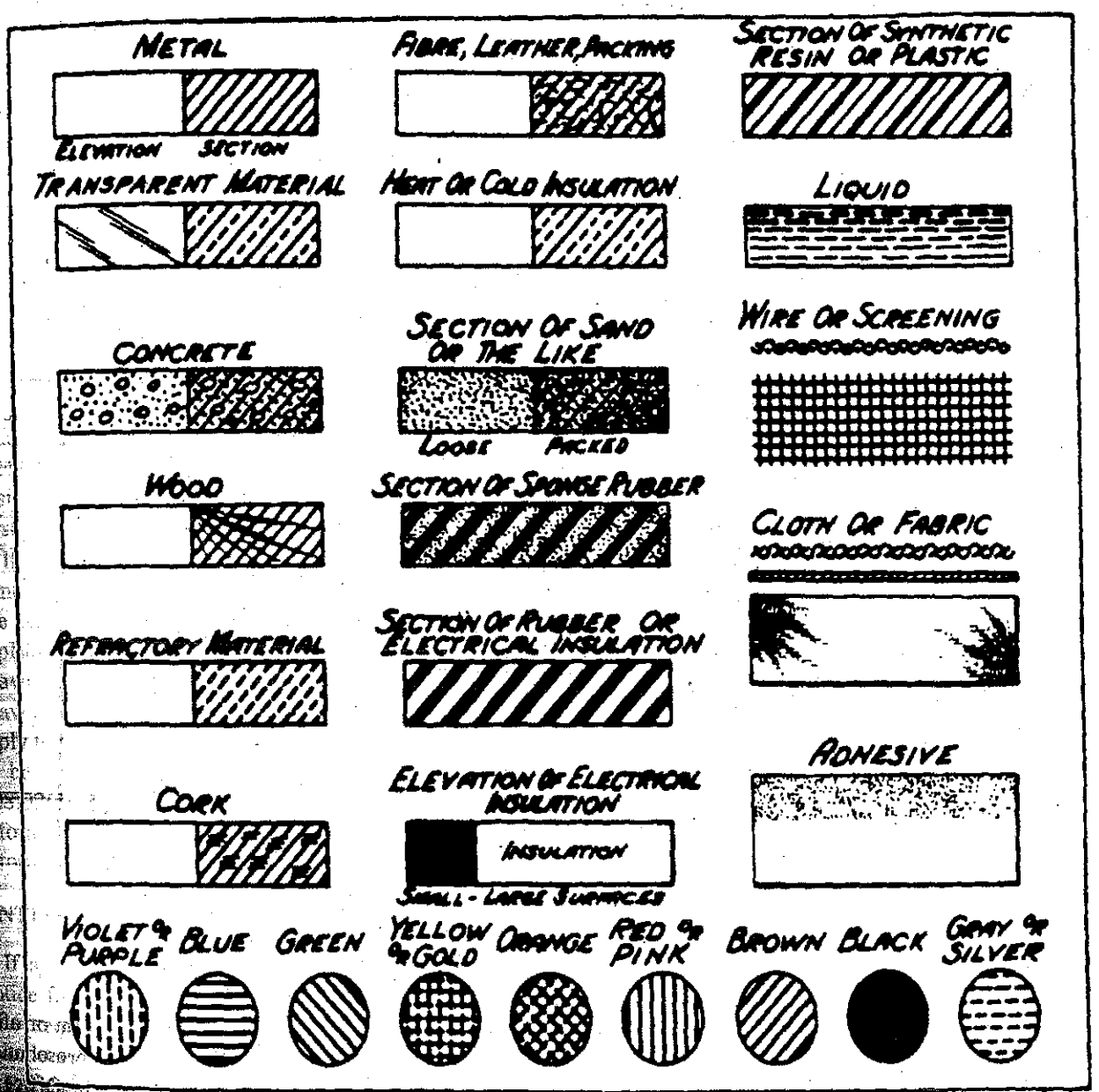
From Ex parte Ilgen and Michl, 172 USPQ 316,17:

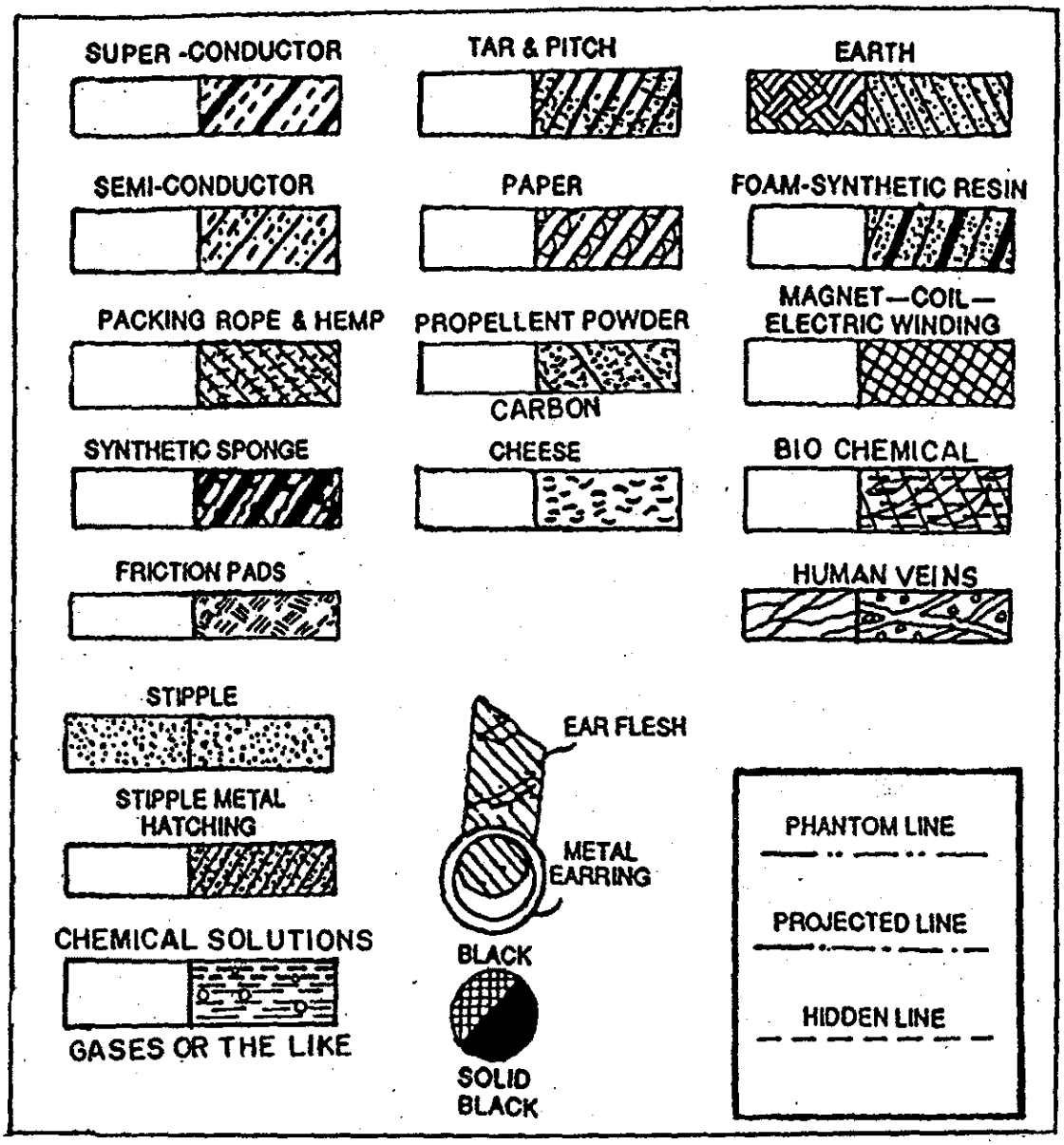
"As the main opinion notes, appellant's specification asserts an improved result ... . The examiner erred in failing to show cause for not giving effect to this assertion."

From Ex parte Leonard, 187 USPQ 122,123 (appeal from Group 140):

"..., we fail to find any suggestion from the collective teachings before us that ... the combination ... as claimed would ... [have the results alleged]. This is a totally new and surprising beneficial result, ... Such unexpected results must, of course, be taken fully into account, ... [citations omitted] ....

"We should note that in so holding ..., we rely heavily on appellants' representations ... We are aware of no good reason to


METAL
ELEVATION
SECTION
FIBRE, LEATHER, PACKING
SECTION OF SYNTHETIC RESIN OR PLASTIC
TRANSPARENT MATERIAL
HEAT OR COLD INSULATION
LIQUID
CONCRETE
SECTION OF SAND OR THE LIKE
LOOSE
PACKED
WIRE OR SCREENING
WOOD
SECTION OF SPONGE RUBBER
CLOTH OR FABRIC
REFRACTORY MATERIAL
SECTION OF RUBBER OR ELECTRICAL INSULATION
CORK
ELEVATION OF ELECTRICAL INSULATION
INSULATION
SMALL - LARGE SURFACES
ADHESIVE
VIOLET OR PURPLE
BLUE
GREEN
YELLOW OR GOLD
ORANGE
RED OR PINK
BROWN
BLACK
GRAY OR SILVER



608.02(a) New Drawing — When Replacement is Required Before Examination

See MPEP § 608.02 for the procedure to follow when drawings have not been filed, but a drawing will aid in the understanding of the invention. See MPEP § 601.01(f) for the procedure to follow when applications appear to be missing sheets of drawings. Drawings in utility and plant applications filed on or after November 29, 2000, other than continued prosecution applications (CPAs), will be reviewed by the Office of Initial Patent Examination (OIPE) for compliance with certain requirements of 37 CFR 1.84. OIPE will send a Notice to File Corrected Application Papers if the drawings are not acceptable for purposes of publication. The notice will give applicant a time period of 2 months from the mailing date of the notice to file