

NOTE: This order is nonprecedential.

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

**IN RE EMADELDIN M. HASSAN, AQEEL A. FATMI,
AND NACHIAPPAN CHIDAMBARAM**

2013-1287

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Serial No.
10/529,984.

ON MOTION

Before RADER, *Chief Judge*, BRYSON and WALLACH, *Circuit Judges*.

BRYSON, *Circuit Judge*.

ORDER

The parties jointly move to waive the requirements of Fed. Cir. R. 27(f) and to remand to the Patent Trial and Appeal Board (Board) to reconsider the opinion currently on appeal and the pending claims.

The Board rejected the claims in the patent application at issue as obvious over prior art Okajima in combination with other references. We agree with the parties that the Board's decision attributes to Okajima a teaching

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of soft capsules without analysis or discussion of Okaji-
ma's repeated references to hard capsules. For at least
this reason, remand is appropriate.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to remand is granted.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk

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ISSUED AS A MANDATE: August 2, 2013