

MAILED

MAY 25 1990

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

U.S. PATENT & TRADEMARK OFFICE

In re )  
Petitioner )  
\_\_\_\_\_ )  
Decision on Petition  
for Review under  
Rule 10.2(c)

(petitioner) requests review under 37 CFR 10.2(c) of the Decision on Request for Regrade of the Morning Section of the Examination held on October 11, 1989, entered March 26, 1990 by the Director of the Office of Enrollment and Discipline (Director). That Decision denied petitioner's request for regrade of his answers to five questions of the morning section of said examination and his request for a passing grade on said morning section.

Petitioner argues, inter alia, that on at least three of the contested questions, at least one other applicant for regrading made arguments "similar to or identical with" those asserted by petitioner and was able to obtain a passing grade pursuant to his request for regrading.

In view of the allegation that the Director accepted certain arguments of another applicant in a request for regrading which are similar to or identical to arguments made by petitioner which the Director did not accept, this petition is remanded to the Director for consideration of this allegation.

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Petitioner's payment of the fee due pursuant to 37 CFR  
§ 1.21(a)(5) will be refunded in due course.

Dated: 24 May 90

*Fred McElroy for*  
HARRY F. MANBECK, JR.  
Commissioner of Patents  
and Trademarks