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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-203419.3

DATE: January 22, 1982

MATTER OF: Biospherics, Inc.--Request for
Reconsideration

DIGEST:

GAO will not reconsider prior decision rendered in response to an expression of interest from a court unless the court expresses an interest in the reconsideration of the decision.

Biospherics, Inc. (Biospherics), requests reconsideration of our decision Biospherics, Inc., B-203419, December 31, 1981, 81-2 CPD . That decision was rendered in response to an expression of interest from the Superior Court of the District of Columbia in connection with Civil Action No. 17577-81. The court refused to issue a temporary restraining order and has scheduled a hearing on Biospherics' request for a preliminary injunction on January 25, 1982.

It is our policy not to decide matters where, as here, the material issues are before a court of competent jurisdiction. However, if the court expresses an interest in a decision by our Office, we will then consider the matter on the merits. Weeks-Miller Joint Venture, B-203107, July 31, 1981, 81-2 CPD 76.

In the present case, the court did express an interest in our decision. Biospherics requests that we reconsider the decision. However, since our prior decision was issued in response to the court's request and the court has not indicated any interest in our reconsidering the prior decision, we will take no further action on the merits of this matter. Tacoma Boatbuilding Co.--Request for Reconsideration, B-199445.6, December 10, 1980, 80-2 CPD 420.

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We dismiss Riospherics' request for reconsideration.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel