

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
and is not binding precedent of the Board**

Paper No. 61

Filed by: Trial Section Merits Panel  
Box Interference  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MICHAEL R. EDWARDS and KIRK B. OLSON

Junior Party  
(Application 09/004,073),

v.

FRANK STRAZZABOSCO

Senior Party  
(Application 09/150,202 and Patent 5,816,689).

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Patent Interference No. 104,472

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Before McKELVEY, Senior Administrative Patent Judge, and LEE and  
MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

On June 8, 2001, the Board received a Notice of Express  
Abandonment of junior party Edwards involved application (Paper  
60). Abandonment of an involved application will be treated as a

request for entry of adverse judgment against the applicant as to all claims corresponding to all counts. 37 CFR § 1.662.

Upon consideration of Edwards' Notice of Express Abandonment of its involved application, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 48) is awarded against junior party MICHAEL R. EDWARDS and KIRK B. OLSON.

FURTHER ORDERED that junior party MICHAEL R. EDWARDS and KIRK B. OLSON is not entitled to a patent containing claims 1-3 and 5-39 (corresponding to Count 1) of application 09/004,073, filed 7 January 1998.

FURTHER ORDERED that the Notice of Express Abandonment shall be made of record in the file of application 09/004,073.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/004,073, U.S. Patent 5,816,689 and application 09/150,202.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.666.

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FRED E. MCKELVEY, Senior	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	BOARD OF PATENT
JAMESON LEE	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	

\_\_\_\_\_)  
SALLY C. MEDLEY )  
Administrative Patent Judge )

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