

BHS

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 17

Filed by: Interference Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

Filed:  
January 9, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

JAN 9 - 2002

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ROBIN SCOTT,

Junior Party,  
(Application 29/088,642),

v.

WILLIAM R. DAWS and KAZUNOBU NAKAMURA,

Senior Party,  
(Patent Design D417,254).

Patent Interference No. 104,562

Before: SCHAFFER, LEE and TIERNEY, Administrative Patent Judges.

SCHAFFER, Administrative Patent Judge

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

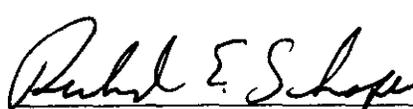
A decision on motion (Paper 14) granted the parties' joint motion to change the inventorship of the subject matter of involved Design Patent D417,254 from WILLIAM R. DAWS and KAZUNOBU NAKAMURA to ROBIN SCOTT, WILLIAM R. DAWS and KAZUNOBU NAKAMURA. Junior party Scott has filed a paper (Paper 15) expressly abandoning its involved Application, 29/088,642. Pursuant to 37 CFR § 1.662(a), the abandonment of an involved application is treated as a request for entry of an adverse judgment. Accordingly, it is

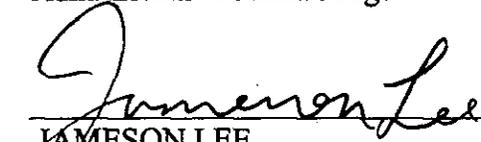
ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5), is awarded against the junior party Robin Scott;

FURTHER ORDERED that ROBIN SCOTT, WILLIAM R. DAWS and KAZUNOBU NAKAMURA are entitled to a patent containing the sole claim (corresponding to Count 1) of Design Patent D417,254;

FURTHER ORDERED that a copy of this judgment be made of record in Application 29/088,642 and in the file of Design Patent D417,254; and

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

  
RICHARD E. SCHAFER  
Administrative Patent Judge

  
JAMESON LEE  
Administrative Patent Judge

  
MICHAEL P. TIERNEY  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

cc (via FedEx):

Attorney for SCOTT:

R. Danny Huntington, Esq.  
Mark R. Kresloff, Esq.  
BURNS, DOANE, SWECKER &  
MATHIS, LLP  
P.O. Box 1404  
Alexandria, VA 22313-1404

Attorney for DAWS:

Joseph C. Andras, Esq.  
MYERS, DAWES & ANDRAS  
650 Town Center Drive  
Suite 650  
Costa Mesa, CA 92626