

Merits Panel
BOX INTERFERENCE
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Paper No. 91

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

W. FRENCH ANDERSON,
R. MICHAEL BLAESE, and STEVEN A. ROSENBERG
(5,399,346),
Junior Party,

v.

JEFFREY R. MORGAN
and **RICHARD C. MULLIGAN**
(08/153,275),
Senior Party.

Interference No. 104,712

Before SCHAFER, TORCZON, and GRIMES, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT
(PURSUANT TO 37 CFR § 1.640)

In Paper No. 88 at 56, the parties were placed under an order to show cause why final judgment should not be entered against each of them, pursuant to 37 C.F.R. § 1.640(d)(1). No timely response has been received from either party. Counsel indicated, when called by a Board paralegal, that they had not filed responses.

ORDER

In view of the parties' failure to respond to an order to show cause, it is:

ORDERED that judgment as to Count 1 is awarded against both parties;

FURTHER ORDERED that Anderson is not entitled to a patent containing claims 1-14 of Anderson's 5,399,346 patent, which correspond to Count 1;

FURTHER ORDERED that Morgan is not entitled to a patent containing claims 30-34, 36, and 43-49 of Morgan's 08/153,275 application, which correspond to Count 1;

FURTHER ORDERED that the preliminary statements be returned unopened; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Anderson's 5,399,346 patent and Morgan's 08/153,275 application.

RICHARD E. SCHAFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

ERIC GRIMES
Administrative Patent Judge

BOARD OF PATENT
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INTERFERENCE
TRIAL SECTION

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