

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 106

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

Filed:
28 June 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ANNE R. KOPF-SILL and JOHN W. PARCE,

Junior Party,
(Patent 5,842,787),

v.

PAUL YAGER, JAMES P. BRODY, MARK R. HOLL,
FRED K. FORSTER and PAUL C. GALAMBOS,

Senior Party
(Application 09/346,852).

Patent Interference No. 104,718

Before: SCHAFER, LEE and MEDLEY, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge

JUDGMENT PURSUANT TO 37 CFR § 1.662

Senior party Yager has filed a paper (Paper 101) expressly abandoning involved Application, 09/346,852. Pursuant to 37 CFR § 1.662(a), the abandonment of an involved application is treated as a request for entry of an adverse judgment. Because of the express abandonment, it is unnecessary to consider the parties' preliminary motions. Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Counts 1-7 (Paper 1, p. 5), is awarded against the senior party, PAUL YAGER, JAMES P. BRODY, MARK R. HOLL, FRED K. FORSTER and PAUL C. GALAMBOS;

FURTHER ORDERED that senior party, PAUL YAGER, JAMES P. BRODY, MARK R. HOLL, FRED K. FORSTER and PAUL C. GALAMBOS, is not entitled to a patent containing claims 5-35, 37, 39-41 and 43-45 (corresponding to Counts 1-7) of Application 09/346,852;

FURTHER ORDERED that a copy of this judgment be made of record in Patent 5,842,787 and in Application 09/346,852; 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)	
)	
)	
_____)	BOARD OF PATENT
JAMESON LEE)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
SALLY C. MEDLEY)	
Administrative Patent Judge)	
)	
)	

cc (via Fax):

Attorney for KOPF-SILL:

Jorge A. Goldstein, Esq.
Linda E. Alcorn, Esq.
STERNE, KESSLER, GOLDSTEIN
& FOX PLLC
1100 New York Avenue, N.W.
Washington, DC 20005-3934

Tel: 202-371-2540

Attorney for YAGER:

Bruce E. O'Connor, Esq.
Daiva K. Tautvydas, Esq.
CHRISTENSEN O'CONNOR JOHNSON
& KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, WA 98101-2347

Tel: 206-224-0779