

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 24

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

Filed:  
22 January 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

JOHN W. PARCE, ANNE R. KOPF-SILL  
and LUC J. BOUSSE  
Junior Party,  
(Patent 5,942,443),

**FAXED**

JAN 22 2003

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

v.

BERNHARD WEIGL, PAUL YAGER,  
JAMES BRODY and MARK HOLL  
Senior Party  
(Application 09/644,192).

Patent Interference No. 104,815

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

SCHAFFER, Administrative Patent Judge

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

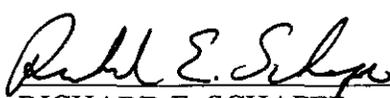
Senior party Weigl has expressly abandoned involved Application, 09/644,192. See Paper 22. Pursuant to 37 CFR § 1.662(a), the abandonment of an involved application is treated as a request for entry of an adverse judgment. Accordingly, it is

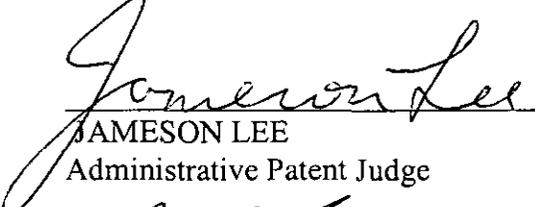
ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5), is awarded against the senior party, BERNHARD WEIGL, PAUL YAGER, JAMES BRODY and MARK HOLL;

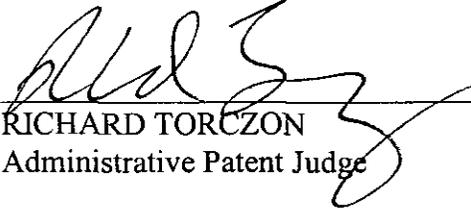
FURTHER ORDERED that senior party, BERNHARD WEIGL, PAUL YAGER, JAMES BRODY and MARK HOLL, is not entitled to a patent containing claims 1-10, 12, 14-21 and 47-63 (corresponding to Count 1) of Application 09/644,192;

FURTHER ORDERED that a copy of this judgment be made of record in the file of Patent 5,942,443 and in Application 09/644,192; 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

  
\_\_\_\_\_  
RICHARD TORCZON  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

cc (via Fax):

Attorney for PARCE:

Linda E. Alcorn, Esq.  
Teresa U. Medler, Esq.  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934

Fax: 202-371-2540

Attorney for WEIGL:

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

Fax: 206-224-0779

Confirmation Report - Memory Send

Page : 001  
Date & Time: Jan-22-03 07:53pm  
Line 1 : 703-308-7952  
Machine ID : USDOC Patent & Trademark Office

Job number : 589  
Date : Jan-22 07:50pm  
To : 912062240779  
Number of pages : 004  
Start time : Jan-22 07:51pm  
End time : Jan-22 07:53pm  
Pages sent : 004  
Status : OK

Job number : 589 \*\*\* SEND SUCCESSFUL \*\*\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRIAL DIVISION  
Facsimile Transmission Cover Sheet

Date:

1/22/03

To:

Bruce O'Connor  
NAME

ORGANIZATION

@Fax #: 206-224-0779

From:

Judge Schaper  
NAME  
BPAI @ 703-305-0942

No of Pages including Transmittal Sheet: 4

Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you have not received all copies of this transmission, please contact this Office as soon as possible at: (703)308-9797.

This message may be responded to at the following Telefax Number: (703)305-0942

Confirmation Report - Memory Send

Page : 001  
Date & Time: Jan-22-03 07:55pm  
Line 1 : 703-308-7952  
Machine ID : USDOC Patent & Trademark Office

Job number : 591  
Date : Jan-22 07:52pm  
To : 92023712540  
Number of pages : 004  
Start time : Jan-22 07:53pm  
End time : Jan-22 07:54pm  
Pages sent : 004  
Status : OK  
Job number : 591

\*\*\* SEND SUCCESSFUL \*\*\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRIAL DIVISION  
Facsimile Transmission Cover Sheet

Date: 1-22-03

To: Linda E. Alcorn  
NAME

ORGANIZATION

@Fax #: 202-371-2540

From: Judge Schaper  
NAME

BPAI @ 703-305-0942

No of Pages including Transmittal Sheet: 4

Remarks:

If you have not received all copies of this transmission, please contact this Office as soon as possible at: (703)308-9797.

This message may be responded to at the following Telefax Number: (703)305-0942