

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not binding precedent of the Board.

Paper 101

Filed by: Trial Section Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WALTER NAVARRINI

Junior Party
(Application 09/840,582),

v.

ALLAN T. WORM,
GEORGE G.I. MOORE, MIGUEL A. GUERRA, WERNER SCHWERTFEGER,
KLAUS HINTZER, ZAI-MING QIU and ERIK D. HARE

Senior Party
(Patent 6,255,536).

Patent Interference No. 105,130

JUDGMENT - MOTIONS - RULE 127

Before: MEDLEY, GAUDETTE and NAGUMO, Administrative Patent Judges.

GAUDETTE, Administrative Patent Judge.

Having decided that neither party's involved claims are patentable (*see* Paper 100), it would serve no useful purpose to continue proceedings and determine which party has priority to an invention that is not patentable to either party.

Accordingly, it is:

ORDERED that judgment as to the subject matter of Count 1 is herein entered against junior party **WALTER NAVARRINI**;

FURTHER ORDERED that junior party **WALTER NAVARRINI** is not entitled to its application claims 52-57 which correspond to Count 1;

FURTHER ORDERED that judgment as to the subject matter of Count 1 is herein entered against senior party **ALLAN T. WORM, GEORGE G.I. MOORE, MIGUEL A. GUERRA, WERNER SCHWERTFEGER, KLAUS HINTZER, ZAI-MING QIU** and **ERIK D. HARE**;

FURTHER ORDERED that senior party **ALLAN T. WORM, GEORGE G.I. MOORE, MIGUEL A. GUERRA, WERNER SCHWERTFEGER, KLAUS HINTZER, ZAI-MING QIU** and **ERIK D. HARE** is not entitled to its patent claims 7-9 which correspond to Count 1;

FURTHER ORDERED that a copy of this decision shall be placed and given a paper number in the files of U.S. Patent 6,255,536 and U.S. Application 09/840,582.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Sally C. Medley/</u>)	
ADMINISTRATIVE PATENT JUDGE)	
)	
<u>/Linda M. Gaudette/</u>)	BOARD OF PATENT
ADMINISTRATIVE PATENT JUDGE)	APPEALS AND
)	INTERFERENCES
<u>/Mark Nagumo/</u>)	
ADMINISTRATIVE PATENT JUDGE)	

cc (via overnight delivery):

Counsel for NAVARRINI:

John R. Kenny, Esq.
KENYON & KENYON
1 Broadway
New York, New York 10004

Tel: 212-425-7200

Counsel for WORM:

Steven B. Kelber, Esq.
MERCHANT & GOULD
901 Fifteenth Street, N.W., Suite 850
Washington, D.C. 20005

Tel: 202-326-0428