

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Mail Stop Interference
P. O. Box 1450
Alexandria, VA 22313-1450
Tel: 703-308-9797
Fax: 703-305-0942

Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GEORGE H. PETRIDES

Junior Party
(Application Nos. 08/682,296¹ and 08/916,782²)

FAXED

v.

JAN 15 2004

PATRICK T. MARSHALL

Senior Party
(Application 6,213,054)³

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

Patent Interference No. 105,150

Before LEE, SPIEGEL and NAGUMO, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

¹ Filed July 17, 1996.

² Filed August 25, 1997. Accorded the benefit of application 08/682,296, filed July 17, 1996.

³ Based on application 08/826,861, filed April 11, 1997. Accorded the benefit of application 60/021,759, filed July 15, 1996.

Interference No. 105,150
Petrides v. Marshall

On December 15, 2003, junior party Petrides filed papers expressly abandoning its two involved applications 08/682,296 and 08/916,782. Those papers have now been entered into respective associated application files. Per 37 CFR § 1.662(a), abandonment of a party's involved application is regarded as a request for entry of adverse judgment. The request is **granted**. It is

ORDERED that judgment as to the subject matter of Count 1 is hereby entered against junior party GEORGE H. PETRIDES;

FURTHER ORDERED that junior party GEORGE H. PETRIDES is not entitled to claims 1, 7-9 and 13-16 of its involved application 08/682,296 which correspond to Count 1, and also is not entitled to claims 1-5, 8-11 and 14-16 of its involved application 08/916,782, which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

Interference No. 105,150
Petrides v. Marshall

By Facsimile

Counsel for Junior Party Petrides:

410-280-6758 (Fax)
Lawrence E. Laubscher, Jr.
1160 Spa Road, Suite 2B
Annapolis, Maryland 21403

Counsel for Senior Party Marshall:

202-220-4201 (Fax)
C. Kyle Musgrove, Esq.
Kenyon & Kenyon
1500 K Street, N.W.
Washington, D.C. 20005