

Paper 32

Filed by:

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Filed:
August 4, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HANS PETERSEN
and
MICHAEL HAROLD ROCK
(Application 10/228,388)
Junior Party,
v.

TETSUYA IKEMOTO
and
MASAMI IGI
(Patent 6,310,222)
Senior Party

Patent Interference 105,231

Judgment – Request for Adverse – Bd. R. 127(b)

Before LEE, MOORE, and POTEATE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

FAXED

AUG 4 - 2005

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

Petersen has filed Paper 31 styled "Abandonment of Petersen Application."

Petersen asserts that it no longer has an application or patent involved in the proceeding.

We construe this filing as a request for adverse judgment pursuant to Bd.R. 127(b)(1).

Accordingly, it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 1, page 5) is awarded against junior party HANS PETERSEN and MICHAEL HAROLD ROCK.

FURTHER ORDERED that junior party HANS PETERSEN and MICHAEL HAROLD ROCK is not entitled to a patent containing claim 4 (corresponding to Count 1) of application 10/228,388.

FURTHER ORDERED that a copy of this paper shall be made of record in files of each of application 10/228,388 and U.S. Patent 6,310,222.

FURTHER ORDERED that the parties shall direct their attention to 35 U.S.C. § 135(c) and Bd. R. 205 if there is a settlement agreement.

/Jameson Lee/)
JAMESON LEE)
Administrative Patent Judge)

/James T. Moore/) BOARD OF PATENT
JAMES T. MOORE)
Administrative Patent Judge) APPEALS AND

/Linda R. Poteate/) INTERFERENCES
LINDA R. POTEATE)
Administrative Patent Judge)

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