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12 UNITED STATES PATENT AND TRADEMARK OFFICE

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16 BEFORE THE BOARD OF PATENT APPEALS
17 AND INTERFERENCES
18 _____

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21 DAVID CHIEN
22 Junior Party
23 (Application No. 09/093,803),
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25 v.

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27 ADRIENNE L. GILBERT, JAMES L. STEWART, SARAH L. KIDD,
28 GEORGE J. DAWSON AND STEPHEN W. PYLE
29 Senior Party
30 (Patent No. 5,330,893)
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34 Patent Interference No. 105,469 (MPT)
35 (Technology Center 1600)
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39 **JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)**

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41 Before: Lane, Tierney and Moore, *Administrative Patent Judges*

42 **Tierney**, *Administrative Patent Judge*.

43 Chien has filed a paper entitled "Abandonment of Involved Application," which
44 expressly abandons Chien's involved U.S. Application No. 09/093,803. (Paper No. 24). Bd. R.
45 127(b) states that abandonment of a party's involved application such that the party no longer

1 has a patent or application in the interference is construed to be a request for adverse judgment.

2 It is:

3 **ORDERED** that judgment on priority as to Count 1, the sole count in interference, is
4 awarded against Junior Party Chien.

5 **FURTHER ORDERED** that Junior Party Chien is not entitled to a patent containing
6 claims 21, 23-31 and 33-37 of Chien’s abandoned U.S. Application No. 09/093,803, all of which
7 correspond to Count 1.

8 **FURTHER ORDERED** that a copy of this paper shall be made of record in the files of
9 U.S. Application No. 09/093,803 and U.S. Patent No. 5,330,893.

10 **FURTHER ORDERED** that the parties’ attention is directed to 35 U.S.C. §135(c) and
11 37 Bd. R. 205.

12	<u>/Sally Gardener Lane/</u>)	
13	SALLY GARDNER LANE)	
14	Administrative Patent Judge)	
15)	
16	<u>/Michael P. Tierney</u>)	BOARD OF PATENT
17	MICHAEL P. TIERNEY)	APPEALS AND
18	Administrative Patent Judge)	INTERFERENCES
19)	
20	<u>/James T. Moore/</u>)	
21	JAMES T. MOORE)	
22	Administrative Patent Judge)	

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