

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

Paper No. 33

Filed: January 17, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAZEN **HANNA** and PETER YORK
Junior Party
(Patent 6,063,138),

v.

ROBERT E. **SIEVERS** and UWE KARST
Senior Party
(Application 09/858,998).

Patent Interference No. 105,488 (SCM)

Before: LEE, LANE, and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

On 11 January 2007, the Board received from Sievers "SIEVERS TRANSMITTAL OF NOTICE OF EXPRESS ABANDONMENT" in which Sievers "expressly abandons the Sievers et al application" (Paper 31 at 2).

Abandonment of an involved application such that the party no longer has an application is construed to be a request for adverse judgment. Bd.R. 127(b)(1). Upon consideration of Sievers' request for adverse judgment, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 3) in the interference is awarded against senior party ROBERT E. **SIEVERS** and UWE KARST.

FURTHER ORDERED that senior party ROBERT E. **SIEVERS** and UWE KARST is not entitled to a patent containing claims 1-37 (corresponding to Count 1) of application 09/858,998.

FURTHER ORDERED that a copy of this paper shall be made of record in the files of application 09/858,998 and U.S. Patent 6,063,138.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

<u>/Jameson Lee/</u>)
JAMESON LEE)
Administrative Patent Judge)
)
)
<u>/Sally G. Lane/</u>)
SALLY G. LANE)
Administrative Patent Judge)
)
)
<u>/Sally C. Medley/</u>)
SALLY C. MEDLEY)
Administrative Patent Judge)

)BOARD OF PATENT
) APPEALS AND
) INTERFERENCES

cc (via e-mail):

dillahunty@fr.com
holly.kozlowski@dinslaw.com