

Mail Stop Interference
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Entered: 30 November 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MARK LEID, PHILIPPE KASTNER, and PIERRE CHAMBON
Junior Party
(U.S. Patent No. 6,635,429),

v.

DAVID J. MANGELSDORF, and RONALD M. EVANS
Senior Party
(U.S. Application No. 08/467,543).

Patent Interference No. 105,510 (MPT)
(Technology Center 1600)

JUDGMENT - ADVERSE - Bd. R. 127(b)

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3 Before: TORCZON, LANE and TIERNEY, *Administrative Patent Judges*.
4
5 TIERNEY, *Administrative Patent Judge*.
6

7 This interference was declared on November 9, 2006. As set forth in the Board Rules,
8 within fourteen days (14) of the date of the Declaration a party must file a notice identifying its
9 counsel. Bd. R. 108(b). Further, the Standing Order (Paper No. 2) provides that within fourteen
10 days of the date of the Declaration, each party must file a statement identifying the real party-in-
11 interest (¶ 8.1), and a notification of related proceeding (¶ 8.2). Junior Party Leid has failed to
12 file the required papers.

1 Maria Vignone, a Trial Division paralegal, has spoken with a Judith Kim of Sterne
2 Kessler Goldstein Fox, who represented that she is counsel for Junior Party Leid. Ms. Kim
3 informed Ms. Vignone that Junior Party Leid would not be filing papers in this interference.
4 Failure to file requisite papers is construed as an abandonment of the contest, which is an action
5 that is considered a request for adverse judgment. Bd. R. 127(b)(4).

6 It is:

7 **ORDERED** that judgment on priority as to Count 1, the sole count in interference, is
8 awarded against Junior Party Leid.

9 **FURTHER ORDERED** that Junior Party Leid is not entitled to a patent containing
10 claims 10-13, 16, and 19 of Leid, U.S. Patent No. 6,635,429, all of which correspond to Count 1.

11 **FURTHER ORDERED** that a copy of this paper shall be made of record in the files of
12 U.S. Application No. 08/467,543 and U.S. Patent No. 6,635,429.

