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Paper 12
Entered: December 5, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Nippon Synthetic Chemical Co.,
Junior Party
(Patent 7,037,990,
Inventors: Christopher D. Tagge, Robert B. Wilson, Jr. and
Hiroyuki Ono),

v.

E. I. Du Pont De Nemours and Company,
Senior Party
(Application 10/272,765
Inventors: Lin Wang, Lynda Kaye Johnson and
Alex Sergey Ionkin).

Patent Interference 105,584 (RES)
(Technology Center 1700)

Before: RICHARD E. SCHAFER, JAMESON LEE and
SALLY C. MEDLEY, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

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

1 Junior party Nippon Synthetic Chemical Co. filed a paper titled
2 NIPPON SYNTHETIC CHEMICAL CO.'S NOTICE OF INTENT NOT
3 TO CONTEST THE INTERFERENCE (Paper 10). Nippon states:

4 Junior Party Nippon Synthetic Chemical Co. hereby
5 gives notice that it does not intend to contest the present
6 interference.

7 Paper 10, p. 2, l. 1-2.

8 An intention not to contest an interference is considered an
9 abandonment of the contest and construed, therefore, as a request for adverse
10 judgment. 37 CFR § 41.127(b)(4). It is appropriate to enter judgment on
11 priority against Nippon.

12 Accordingly, it is

13 **ORDERED** that judgment on priority as to the subject matter
14 of Count 1 (Paper 1, p. 4) is awarded against Nippon Synthetic Chemical
15 Co.;

16 **FURTHER ORDERED** that, Nippon is not entitled to a patent
17 containing claims 1-35 (corresponding to Count 1) of Patent 7,037,990;

18 **FURTHER ORDERED** that claims 1-35 of Patent 7,037,990
19 be CANCELED (35 U.S.C. 135(a));

20 **FURTHER ORDERED** that a copy of this judgment be made
21 of record in the file of Patent 7,037,990 and Application 10/272,765; and
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1 **FURTHER ORDERED** that if there is any settlement agreement
2 which has not been filed, attention is directed to 35 U.S.C. § 135(c) and
3 37 CFR § 41.205.

4

/Richard E. Schafer/)
RICHARD E. SCHAFER)
Administrative Patent Judge)
)
/Jameson Lee/)
JAMESON LEE)
Administrative Patent Judge)
)
/Sally C. Medley/)
SALLY C.MEDLEY)
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BOARD OF PATENT
APPEALS AND
INTERFERENCES

cc:

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