

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 28

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHRISTOPHER P. HUGHES and RICHARD A. ROCCO
Junior Party,
(Patent 6,364,519),

v.

ELVIRA DINGELDEIN, HELMUT WAHLIG,
CHRISTOPHER SATTIG and EDGAR WUST
Senior Party,
(Application 09/980,547).

Patent Interference No. 105,160

Before SCHAFER, LEE, and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

JUDGMENT-RULE 662

On 12 July 2004, and in response to the show cause order (Paper 25) and 8 July 2004 teleconference, the board received from Hughes an “OFFER OF ADVERSE JUDGMENT” in which Hughes abandons the contest as to the sole count in the interference (Paper 27)¹.

¹ Abandonment of the contest as to a count will be treated as a request for entry of an adverse judgment. 37 CFR § 1.662(a).

Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 5) is awarded against junior party CHRISTOPHER P. HUGHES and RICHARD A. ROCCO.

FURTHER ORDERED that junior party CHRISTOPHER P. HUGHES and RICHARD A. ROCCO is not entitled to a patent containing claims 1-6, 8-11, 13-14 and 16-20 (corresponding to Count 1) of U.S. Patent 6,364,519.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/980,547 and U.S. Patent 6,364,519.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
)	BOARD OF PATENT
JAMESON LEE)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
SALLY C. MEDLEY))
Administrative Patent Judge)	

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