

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 36

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KELLY E. MAYO,

Junior Party,¹

v.

MICHAEL O. THORNER, BRUCE D. GAYLINN,
JOHN R. ZYSK AND CECIL M. EPPLER,

Senior Party.²

Interference No. 103,706

Before RONALD H. SMITH, METZ, and HANLON, Administrative
Patent Judges.

HANLON, Administrative Patent Judge.

¹ Application 08/291,356, filed August 16, 1994. Accorded benefit of U.S. Application 07/953,494, filed September 28, 1992. Assignor to Northwestern University.

² Application 07/902,826, filed June 23, 1992. Assignor to The University of Virginia Patent Foundation and American Cyanamid Company.

Interference No. 103,706

ENTRY OF ADVERSE JUDGMENT AGAINST MAYO

Upon consideration of ABANDONMENT OF CONTEST (Paper No. 34), wherein

Kelly E. Mayo, the junior party to the above interference, hereby abandons the contest as to Count 1 in the interference under the provisions of 37 CFR § 1.662(a)[,]

it is

ORDERED that judgment as to Count 1, the sole count in issue, is awarded against junior party Kelly E. Mayo.

FURTHER ORDERED that judgment as to Count 1 is awarded in favor of senior party Michael O. Thorner, Bruce D. Gaylinn, John R. Zysk and Cecil M. Eppler.

FURTHER ORDERED that junior party Kelly E. Mayo is not entitled to a patent containing claims 26 and 29 which correspond to Count 1.

FURTHER ORDERED that, on the record before the Patent and Trademark Office in this interference, senior party Michael

Interference No. 103,706

O. Thorner, Bruce D. Gaylinn, John R. Zysk and Cecil M. Eppler are entitled to a patent containing claims 2, 19, 20 and 23-28 which correspond to Count 1.

RONALD H. SMITH)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
ANDREW H. METZ)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
ADRIENE LEPIANE HANLON)	
Administrative Patent Judge)	

Interference No. 103,706

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