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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(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

LUC LEROT, VINCENT WILMET
and JOSEPH PIROTTON,

Junior Party,¹

v.

BERNARD BERTHE and JEAN-MARIE COGNION,

Senior Party.²

Patent Interference No. 103,725

¹Application 07/825,670, filed January 27, 1992.
Accorded the benefit of Belgium Application No. 09100066,
filed January 25, 1991. Assigned to SOLVAY S.A.

²Patent 5,315,045, granted May 24, 1994, based on
Application 07/788,388, filed November 6, 1991. Accorded the
benefit of French Application No. 90-13705, filed November 6,
1990. Assigned to Elf Atochem S.A., France.

Interference No. 103,725

Before MCKELVEY, Senior Administrative Patent Judge, and
SCHAFER and HANLON, Administrative Patent Judges.

HANLON, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.640(e)

Junior party Lerot et al. has failed to make any showing why judgment should not be entered against it in this proceeding, and the time set for filing such a showing has expired. Therefore, pursuant to the Order to Show Cause of November 4, 1999 (Paper No. 45), the following judgment is hereby entered (37 CFR § 1.640(e)):

Judgment as to Count 1, the sole count in issue, is entered against the junior party, Luc Lerot, Vincent Wilmet and Joseph Piroton. Luc Lerot, Vincent Wilmet and Joseph Piroton are not entitled to a patent containing claims 1-9 and 11 of Application 07/825,670, filed January 27, 1992, which correspond to Count 1.

Judgment as to Count 1 is awarded in favor of the senior party, Bernard Berthe and Jean-Marie Cognion. On the record before the Patent and Trademark Office in this interference, Bernard Berthe and Jean-Marie Cognion are entitled to U.S.

Interference No. 103,725

Patent No. 5,315,045, granted May 24, 1994, based on
Application 07/788,388, filed November 6, 1991, containing
claims 1-9 which correspond to Count 1.

The unopened preliminary statement filed by senior party
Bernard Berthe and Jean-Marie Cognion is returned herewith to
the senior party. 37 CFR § 1.631(c).

FRED E. McKELVEY, Senior)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
RICHARD E. SCHAFER)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
ADRIENE LEPIANE HANLON)	
Administrative Patent Judge)	

ALH:svt

Interference No. 103,725

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