

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(2) is not binding precedent of the Board.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. 8

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOSEPH B. HORN and IVAN de SCHEERDER,
Junior Party,¹

v.

JAMES J. RUDNICK and DOMINIK M. WIKTOR
Senior Party,²

Patent Interference No. 104,170

Before METZ, PATE and MARTIN, **Administrative Patent Judges.**

PATE, **Administrative Patent Judge.**

Now comes junior party Horn et al. with an abandonment of the contest. Such an abandonment is to be treated as a request for the entry of adverse judgment under 37 CFR § 1.662(a).

¹ Patent 5,591,230, granted January 7, 1997, based on Application 08/514,069, filed August 11, 1995. Accorded benefit of Application 08/456,087, filed May 31, 1995, now Patent No. 5,578,149, granted November 26, 1996.

² Application 08/708,651, filed September 5, 1996. Accorded benefit of Application 08/289,791, filed August 12, 1994, now Patent No. 5,575,816, granted November 19, 1996.

Interference No. 104,170

Accordingly, the following judgment is entered.

Attention is directed to 35 U.S.C. § 135(c) which mandates loss of rights in the event that a copy of any settlement agreement terminating an interference is not filed or belatedly filed in the Patent and Trademark Office.

Judgment

Judgment in Interference No. 104,170 is hereby entered against the junior party, Joseph B. Horn and Ivan de Scheerder. Joseph B. Horn and Ivan de Scheerder are not entitled to their patent containing claims 18 through 20 and 25, which claims correspond to the count in interference. Judgment is entered in favor of the senior party James J. Rudnick and Dominik M. Wiktor. James J. Rudnick and Dominik M. Wiktor are entitled to a patent containing claims 8 through 11, 14, 15, 17, 18, and 19 through 23, which claims correspond to the count in interference.

PATENT)
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) APPEALS

Interference No. 104,170

WILLIAM F. PATE, III)
Administrative Patent Judge) AND
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_____)
JOHN C. MARTIN)
Administrative Patent Judge)

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