

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 18

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOEL W. WENNERSTROM, ER-JUI CHEN,
and LING CHUAN CHANG

Junior Party
(Application No. 08/851,343)¹,

v.

LI-CHU C. HUANG

Senior Party
(Patent No. 5,460,398)².

Patent Interference No. 104,435

Before McKELVEY, Senior Administrative Patent Judge, LEE and
SCHAFFER, Administrative Patent Judges.

LEE, Administrative Patent Judge.

¹ Application filed May 5, 1997. Accorded the benefit of application 08/334,782, filed November 4, 1994. According to counsel for the junior party, the application is assigned to Graco Children's Products Inc., a wholly owned subsidiary of Rubbermaid Incorporated, all the outstanding common stock of which is owned by Newell Rubbermaid Inc.

² Based on application 08/313,917, filed September 28, 1994.

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Judgment

On April 7, 2000, junior party Wennerstrom filed a paper entitled "Notice of Abandonment of Contest as to Count" (Paper No. 17). According to 37 CFR § 1.662(a), the abandonment of contest is regarded as a request for entry of adverse judgment. The request is granted.

It is

ORDERED that judgment as to the subject matter of the count is entered against the junior party JOEL W. WENNERSTROM, ER-JUI CHEN, and LING CHUAN CHANG;

FURTHER ORDERED that judgment as to the subject matter of the count is awarded in favor of the senior party LI-CHU C. HUANG;

FURTHER ORDERED that junior party JOEL W. WENNERSTROM, ER-JUI CHEN, and LING CHUAN CHANG is not entitled to a patent containing their application claims 17 and 18 which correspond to the count;

FURTHER ORDERED that on this record, senior party LI-CHU C. HUANG is entitled to his patent claim 7; and

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

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FRED E. MCKELVEY, Senior)	
Administrative Patent Judge)	
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RICHARD SCHAFER)	AND
Administrative Patent Judge)	INTERFERENCES
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)	
_____)	
JAMESON LEE)	
Administrative Patent Judge)	

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By Federal Express

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