

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 12

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SEN-MAW FANG,

Junior Party,
(Patent 5,886,040),

v.

IVO PISCHEL and STEFAN WEISS

Senior Party
(Application 08/893,423).

Patent Interference No. 104,520

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

PER CURIAM.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the ABANDONMENT OF THE CONTEST
(Paper 11), it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party SEN-MAW FANG.

FURTHER ORDERED that judgment on priority as to Count 1 is awarded in favor of senior party IVO PISCHEL and STEFAN WEISS.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party IVO PISCHEL and STEFAN WEISS is entitled to a patent containing claims 19-22 (corresponding to Count 1) of application 08/893,423, filed 11 July 1997.

FURTHER ORDERED that junior party SEN-MAW FANG is not entitled to a patent containing claims 1-8 (corresponding to Count 1) of U.S. Patent 5,886,040, granted 23 March 1999, based on application 08/877,612, filed 17 June 1997.

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

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

104,520
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