

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 08

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HSIN-TSAI WU

Junior Party
(Patent No. 29/103,713)¹

v.

DOUGLAS R. CASTO and JAMES T. SENER

Senior Party
(Application 29/102,465)²

Patent Interference No. 104,521

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

LEE, Administrative Patent Judge.

Judgment

¹ Filed April 20, 1999.

² Filed March 24, 1999.

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On May 11, 2000, the Board received a facsimile transmission from junior party Wu enclosing a paper expressly abandoning the junior party's involved application. The abandonment of the involved application is regarded as a request for entry of adverse judgment as to the subject matter of the count.

The request is granted. It is

ORDERED that judgment as to the subject matter of the count is herein awarded against junior party HSIN-TSAI WU;

FURTHER ORDERED that junior party HSIN-TSAI WU is not entitled to a patent containing its sole claim which corresponds to the count;

FURTHER ORDERED that judgment as to the subject matter of the count is herein awarded in favor of senior party DOUGLAS R. CASTO and JAMES T. SENER;

FURTHER ORDERED that senior party DOUGLAS R. CASTO and JAMES T. SENER, on this record, is entitled to a patent containing its sole claim which corresponds to the count; and

FURTHER ORDERED that junior party HSIN-TSAI WU shall, within five (5) days of the date of this communication, file the original of the paper abandoning its involved application,

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so that it shall be entered into junior party's involved
application as the next entry in the file.

Fred E. McKelvey, Senior)
Administrative Patent Judge)
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Richard E. Schafer)
Administrative Patent Judge)
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)

Jameson Lee)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 104,521
Wu v. Casto

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