

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 25

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DIETMAR MULLER and JURGEN KREMP,

Junior Party,
(Patent 4,713,127),

v.

SALVATORE J. MONTE and GERALD SUGERMAN,

Senior Party
(Application 06/841,471).

Patent Interference No. 104,547

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFER and MEDLEY, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge

FINAL DECISION

Upon consideration of the record, including a discussion during a conference call on 11 August 2000 at 9:30 a.m. involving counsel for the parties and Senior Administrative Patent Judge Fred E. McKelvey, it is

ORDERED that the Monte PRELIMINARY MOTION TO ADD NEW CLAIMS AND CANCEL CLAIMS (Paper 23), whereby Monte seeks to cancel involved Monte claims 2 and 7-17 and add new Monte claims 18-25, is granted to the extent that Monte seeks to add new Monte claims 18-25 and is denied to the extent that Monte seeks to cancel Monte claims 2 and 7-17.

FURTHER ORDERED that the Clerk is authorized to enter in the Monte application involved in the interference a copy of the AMENDMENT attached to this FINAL DECISION (to be Paper 33 in the file of the involved Monte application) to the extent that the AMENDMENT add claims 18-25.

FURTHER ORDERED that Monte PRELIMINARY MOTION FOR JUDGMENT BASED ON NO INTERFERENCE IN FACT (Paper 24) is granted to the extent that there is no interference in fact between

- (1) Monte claims 18-25 and
- (2) Muller claims 1-6.

FURTHER ORDERED that MULLER AND KREMP PRELIMINARY MOTION 2 (Paper 20) is dismissed as moot.

FURTHER ORDERED that MULLER AND KREMP PRELIMINARY MOTION 3 (Paper 21) is dismissed as moot.

FURTHER ORDERED that, on the record before the board, senior party Salvatore J. Monte and Gerald Sugerman is

entitled to a patent containing claims 18-25 of application 06/841,471, filed 18 February 1986.

FURTHER ORDERED that senior party Salvatore J. Monte and Gerald Sugerman is not entitled to a patent containing claims 2 and 7-17 of application 06/841,471, filed 18 February 1986.

FURTHER ORDERED that, on the record before the board, junior party Dietmar Muller and Jurgen Kremp is entitled to a patent containing claims 1-6 of U.S. Patent 4,713,127, granted 15 December 1987, based on application 06/907,037, filed 12 September 1986.

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

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

SALLY C. MEDLEY)
Administrative Patent Judge)

104,547

cc (via First Class Mail):

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