

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

BOX INTERFERENCE

Filed by: Merits Panel

Paper No. 15

Box Interference

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

NIGEL R. A. BEELEY, and
THOMAS A. MILLICAN

Junior Party¹

v.

GARRY FENTON, ANDREW D. MORLEY,
MALCOLM N. PALFREYMAN,
ANDREW J. RATCLIFFE, BRIAN W. SHARP,
SUKANTHINI THURAIRATNAM,
KEITH A. J. STUTTLE,
BERNARD Y. J. VACHER,
MICHAEL J. ASHTON,
DAVID C. COOK

¹ Patent No. 5,340,827, granted August 23, 1994, based on Application 08/077,283, filed June 14, 1993. Accorded benefit of United Kingdom Application 921263.7, filed June 15, 1992.

Interference No. 104,072

SUSAN J. HILLS,
IAN M. MCFARLANE and NIGEL VICKER

Senior Party²

Patent Interference No. 104,072

Before SOFOCLEOUS, DOWNEY and ELLIS, **Administrative Patent Judges.**

ELLIS, **Administrative Patent Judge.**

JUDGEMENT

On April 8, 1998, junior party Beeley et al. filed an "Abandonment of Contest" which pursuant to the provisions of 37 CFR § 1.662(a) is treated as a "Request for Adverse Judgment" for all the claims corresponding to the count (Paper No. 14).

² Application 08/098,178, filed July 28, 1993, Accorded benefit of PCT Application PCT/GB92/00153, filed January 28, 1992; United Kingdom Applications 9101777.2, filed January 28, 1991; and 9117727.9, filed August 16, 1991.

Interference No. 104,072

Accordingly, JUDGEMENT as to the subject matter of the count in issue is hereby awarded to the senior party, GARRY FENTON, ANDREW MORLEY, MALCOLM PALFREYMAN, ANDREW RATCLIFFE, BRIAN SHARP, SUKANTHINI THURAIRATNAM, KEITH STUTTLE, BERNARD VACHER, MICHAEL ASHTON, DAVID COOK, SUSAN HILLS, IAN MCFARLANE and NIGEL VICKER.

NIGEL BEELEY and THOMAS MILLICAN are not entitled to their U.S. patent 5,340,827 containing claims 1 through 16.

On this record, Fenton et al. are entitled to claims 47 through 79 and 88 through 90 corresponding to the count.

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MICHAEL SOFOCLEOUS)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
MARY F. DOWNEY))
Administrative Patent Judge)	APPEALS AND
))
)	INTERFERENCES
))
JOAN ELLIS)	
Administrative Patent Judge)	

Interference No. 104,072