

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT ALDEN LOFQUIST
YOUSEF MOHAJER
Junior party¹

v.

KLAUS WEINERTH, KARL HEINZ MELL, PAUL MATTHIES
and LUDWIG BEER
Senior party²

Patent Interference No. 104,229

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

DOWNEY, Administrative Patent Judge.

¹ Application 08/508,194, filed July 27, 1995, now U. S. Patent No. 5,618,909, issued April 8, 1997. Assignor BASF Aktiengesellschaft.

² Application 08/722,048, filed December 31, 1996. Accorded benefit Germany, Serial No. P4413177.1, filed April 15, 1994; and Germany, Serial No. P4429089.6, filed August 17, 1994.

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JUDGMENT PURSUANT TO 37 C.F.R. § 1.662(a)

In response to the order to show cause of April 15, 1999 (Paper No. 21) why judgment should not be entered against junior party, the common assignee, BASF Aktiengesellschaft filed a paper indicating that based on the priority evidence submitted to them that junior party Lofquist et al. is the first inventor of the subject matter of the counts of this interference (Paper No. 23).

Accordingly, JUDGMENT pursuant to 37 C.F.R. § 1.662(a) as to the subject matter of the count in issue is hereby awarded to Robert Alden Lofquist and Yousef Mohajer, the junior party and against Klaus Weinerth, Karlheinz Mell, Paul Matthies and Ludwig Beer, the senior party. Accordingly, on this record, Lofquist et al. are entitled to their patent containing claims 1-10, 17-20 and 22 corresponding to counts 1-3 and Weinerth et al., the senior party, are not entitled to their application containing (1) claims 1, 17, 19, 20, 21, 36 and 39 corresponding to count 1; (2) claims 3, 13, 22, 24,

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26, 27, 29 and 37 corresponding to count 2; and (3) claims 12 and 38 corresponding to count 3.

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
)	
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)	BOARD OF PATENT
MICHAEL SOFOCLEOUS)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
MARY F. DOWNEY)	
Administrative Patent Judge)	

MFD/caw

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