

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 9

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

OLIVER P. PEOPLES and ANTHONY J. SINSKEY,

Junior Party,
(Patent 5,534,432)

v.

DOUGLAS E. DENNIS, HO GUN RHIE
and STEVEN C. SLATER,

Senior Party,
(Application 08/610,804).

Patent Interference 104,346

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

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the notice of EXPRESS ABANDONMENT OF APPLICATION (i.e., application 08/610,804 involved in the interference) (Paper 8), it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against senior party DOUGLAS E. DENNIS, HO GUN RHIE and STEVEN C. SLATER.

FURTHER ORDERED that judgment on priority as to Count 1 is awarded in favor of junior OLIVER P. PEOPLES and ANTHONY J. SINSKEY.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party OLIVER P. PEOPLES and ANTHONY J. SINSKEY is entitled to a patent containing claims 1-4 and 6-7 (corresponding to Count 1) of U.S. Patent 5,534,432, granted 9 July 1996, based on application 08/418,868, filed 7 April 1995.

FURTHER ORDERED that senior party DOUGLAS E. DENNIS, HO GUN RHIE and STEVEN C. SLATER is not entitled to a patent containing claims 21-23 (corresponding to Count 1) of application 08/610,804, filed 7 March 1996.

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)

104346

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