

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
and is not binding precedent of the Board**

Paper 102

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FENG YAN, MICHEL SCHNEIDER
and JEAN BROCHOT,
Junior Party,
(Patent 5,556,610),

v.

ERNEST G. SCHUTT, DAVID P. EVITTS,
RENE ALTA KINNER, CHARLES DAVID ANDERSON
and JEFFREY G. WEERS,
Senior Party,
(Application 08/786,402).

Patent Interference No. 104,427

Before SCHAFFER, TORCZON and SPIEGEL, Administrative Patent Judges.

SCHAFFER, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Yan has filed a request for entry of an adverse judgment under 37 CFR § 1.662(a). Paper 101.
Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 2 (Paper 99, p.1), is awarded against the junior party, FENG YAN, MICHEL SCHNEIDER and JEAN BROCHOT;

FURTHER ORDERED that junior party, FENG YAN, MICHEL SCHNEIDER and JEAN BROCHOT, is not entitled to a patent containing claims 1-11, 14-23, and 26 (corresponding to Count 2) of U.S. Patent 5,556,610;

FURTHER ORDERED that if there be a settlement agreement that the parties are advised of the requirement to file a copy of the agreement (35 U.S.C. § 135(c));

FURTHER ORDERED that conference call scheduled for August 6, 2001, is canceled; and

FURTHER ORDERED that a copy of this judgment be made of record in Application 08/786,402 and in the file history of Patent 5,556,610.

_____)
RICHARD E. SCHAFER)
Administrative Patent Judge)
)
) BOARD OF PATENT
_____)
RICHARD TORCZON)
Administrative Patent Judge) APPEALS AND
)
) INTERFERENCES
_____)
CAROL A. SPIEGEL)
Administrative Patent Judge)

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