

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 3

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ANDREAS SATTLER,

Junior Party,  
(Patent 5,739,399),

v.

SHAOWO LIANG and TIMOTHY W. PRICE,

Senior Party  
(Reissue application 09/289,387).

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Patent Interference No. 104,578

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Before: McKELVEY, Senior Administrative Patent Judge, and  
TORCZON and GARDNER-LANE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

**A. Discussion**

On 11 July 2000, Administrator Dale M. Shaw received a phone call from William C. Gerstenzang, Esq., SPRUNG, KRAMER,

SCHAEFER & BRISCOE, counsel for Sattler. Mr. Gerstenzang advised that Sattler, the junior party, had no interest in the matter.

Todd R. Walters, Esq., BURNS, DOANE, SWECKER & MATHIS, L.L.P., was advised by e-mail on 12 July 2000, at approximately 7:09 a.m, that senior party Liang need not take further action in the interference. A copy of the e-mail is attached (Paper 2).

In view of the state of the record, it is appropriate that a judgment against Sattler be entered at this time.

**B. Order**

Upon consideration of the record, it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party ANDREAS SATTLER.

FURTHER ORDERED that junior party ANDREAS SATTLER is not entitled to a patent containing claims 1-12 (corresponding to Count 1) of U.S. Patent 5,739,399, granted 14 April 1998, based on application 08/763,776, filed 11 December 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.

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FRED E. MCKELVEY, Senior )  
Administrative Patent Judge )  
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RICHARD TORCZON ) BOARD OF PATENT  
Administrative Patent Judge ) APPEALS AND  
 ) INTERFERENCES  
 )  
\_\_\_\_\_)  
SALLY GARDNER-LANE ) )  
Administrative Patent Judge )

cc (via First Class Mail):

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