

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of the decision being entered today (1) was not written for publication in a law journal or reporter and (2) is not binding precedent of the Board.

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Paper 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PATRICK A. WHITE, MALCOLM J. HAYHURST, ALAN R. OWENS,
IAN D. ROUGHSEGE, RICHARD J. DAVIES, ALAN SELLARS,
JACQUELINE F. MacDONALD, MICHAEL C. QUIGLEY,
RALPH DRAPER and RONALD D. PAYNE,

Junior Party,¹

v.

STEFAN ZIKELI, ERNST RAUCH, HERMANN ROBERGER,
FRIEDRICH ECKER, HARTMUT RUF, RAIMUND JURKOVIC
and FRANZ SCHWENNIGER,

Senior Party.²

Patent Interference 104,035

Before: SCHAFER, HANLON and WEIMAR, Administrative Patent Judges.

¹ Application 08/415,598, filed April 3, 1995.

² Patent 5,589,125, granted December 31, 1996, based on application 08/142,313, filed November 16, 1993.

FINAL DECISION

The party Zikeli has filed a concession of priority. Paper 30. Pursuant to 37 CFR § 1.662(a), a concession of priority is treated as a request for adverse judgment as to all claims corresponding to the count. Accordingly, judgment is awarded against the party Zikeli. Zikeli is not entitled to a patent on claims 1-4 and 9-10 of patent 5,589,125, corresponding to the count. White is entitled to a patent on the subject matter of claims 2-5, 7-10 and 13-18 of application 08/415,598, corresponding to the count.

A copy of this decision shall be placed in the files of application 08/415,598 and patent 5,589,125.

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| RICHARD E. SCHAFER |) | |
| Administrative Patent Judge |) | |
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| ADRIENE L. HANLON |) | BOARD OF PATENT |
| Administrative Patent Judge |) | APPEALS AND |
| |) | INTERFERENCES |
| |) | |
| |) | |
| ELIZABETH C. WEIMAR |) | |
| Administrative Patent Judge |) | |

cc:

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