

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 37

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
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JOSE P. SESTELO, ANTONIO MOURINO, JOSE L. MASCARENAS,
SEBASTIANUS J. HALKES, JAN ZORGDRAGER,
GERHARDUS D.H. DIJKSTRA and JAN-PAUL VAN DE VELDE

Junior Party,¹

v.

JOSE P. SESTELO, ANTONIO MOURINO, JOSE L. MASCARENAS,
SEBASTIANUS J. HALKES, JAN ZORGDRAGER and GERHARDUS D.H. DIJKSTRA

Junior Party,²

v.

¹ Application No. 08/070,998, filed June 4, 1993, now U.S. Patent No. 5,449,668, issued September 12, 1995. Assignor to Duphar International Research B.C., Weesp, Netherlands

² Reissue Application No. 08/931,073, filed September 15, 1997. Accorded Benefit of U.S. Patent No. 5,449,668, issued September 12, 1995, based on Application No. 08/070,998, filed June 4, 1993. Assignor to Duphar International Research B.V.

Interference No. 103,956

JOAQUIN J. JIMENEZ and ADEL A. YUNIS

Senior Party.³

Interference No. 103,956

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judge.

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.662(a)

Sestelo, the junior party (patentees and reissue applicants), have filed an abandonment of the contest which, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment as to all claims which correspond to the count.

Accordingly, judgment as to the subject matter of the count in issue is hereby awarded to Joaquin J. Jimenez and Adel A. Yunis, the senior party. Jose P. Sestelo, Antonio Mourino, Jose L. Mascarenas, Sebastianus J. Halkes, Jan Zorgdrager, Gerhardus D.h. Dijkstra and Jan-Paul van de Velde, the junior party (patentees), are not entitled to a patent containing claims 1, 5, 6, 11 and 12 corresponding to the count.

Sestelo et al, the reissue applicants, are not entitled to a patent containing claims 13 to 15 corresponding to the count.

³ Application No. 08/477,103, filed June 7, 1995. Accorded Benefit of U.S. Application Nos. 08/250,646, filed May 27, 1994, now U.S. Patent No. 5,486,509, issued January 23, 1996; 07/903,829, filed June 24, 1992; 07/810,412, filed December 20, 1991; and 07/786,788, filed November 1, 1991.

Interference No. 103,956

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