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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SIBA P. RAY
Junior Party,¹

v.

JAINAGESH A. SEKHAR and VITTORIO DE NORA
Senior Party,²

Patent Interference No. 104,062

Before: McKELVEY, Senior Administrative Patent Judge, and SCHAFER and TORCZON,
Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

JUDGMENT

¹ Patent 5,492,604, granted February 20, 1996, based on Application 08/364,918, filed December 28, 1994, Assignor Aluminum Company of America.

² Application 08/666,870, filed June 17, 1996.

On May 30, 2000, an order was issued directing the senior party to show cause why judgment should not be entered against it. No response to that order has been filed. During a telephone conference on June 27, 2000, counsel for the senior party confirmed that no response had been filed. The time for filing a response having expired, it is appropriate to enter judgment against the senior party. 37 CFR § 1.640(e). Accordingly it is

ORDERED that judgment on priority as to the subject matter of the Count (Attachment to Paper 2, p.3), is awarded against the senior party JAINAGESH A. SEKHAR and VITTORIO DE NORA;

FURTHER ORDERED that senior party, JAINAGESH A. SEKHAR and VITTORIO DE NORA, is not entitled to a patent containing claims 71-80 and 84 (corresponding to the count) of application 08/666,870; and it is

FURTHER ORDERED that a copy of this judgment be made of record in application 08/666,870 and in the file of Patent 5,492,604.

_____)	
FRED E. McKELVEY)	
Senior Administrative Patent Judge)	
)	
)	
_____)	BOARD OF PATENT
RICHARD E. SCHAFER)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
RICHARD TORCZON)	
Administrative Patent Judge)	
)	

cc: (via FedEx)

Counsel for RAY et al.

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