

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BARBARA C. STAHLY, RONNY W. LIN
and E. E. ATKINSON, JR.
Junior party¹

v.

VARADARAJ ELANGO
Senior party²

Patent Interference No. 103,852

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.
DOWNEY, Administrative Patent Judge.

¹ Application 07/451,563, filed December 18, 1989, now U.S. Patent No. 4,990,658, granted February 5, 1991. Assignee Albemarle Corporation.

² Application 08/445,593, filed May 22, 1995. Assignee Hoechst Celanese Corporation.

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JUDGMENT PURSUANT TO 37 C.F.R. § 1.662(c)

Under the provisions of 35 U.S.C. § 253, Albemarle Corporation, assignee of the patentees, Barbara C. Stahly, Ronny E. Lin and E.E. Atkinson, Jr., filed a statutory disclaimer of claims 1 through 41 in U.S. Patent No. 4,990,658 of said claims corresponding to the count in this interference (See Paper No. 18 of the patent file and copy of disclaimer attached to Paper No. 110 in the interference file). Accordingly, pursuant to 37 C.F.R. § 1.662(c), said disclaimer is treated as a request for entry of adverse judgment.

Accordingly, JUDGMENT pursuant to 37 C.F.R. § 1.662(c) as to the subject matter of the count in issue is hereby awarded to Varadaraj Elango, the senior party and against Barbara C. Stahly, Ronny E. Lin and E. E. Atkinson, Jr. Accordingly, on this record, senior party Elango is entitled to a patent containing claims 1-75 corresponding to the count and junior party Stahly et al. is not entitled to its patent

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containing claims 1 through 41 corresponding to the count.

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STANLEY URYNOWICZ, JR.)
Administrative Patent Judge)
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) BOARD OF PATENT
MICHAEL SOFOCLEOUS)
Administrative Patent Judge) APPEALS AND
)
) INTERFERENCES
)
MARY F. DOWNEY)
Administrative Patent Judge)

MFD/caw

Interference No. 103,852

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