

**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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 18

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

JOEL W. WENNERSTROM, ER-JUI CHEN,  
and LING CHUAN CHANG

Junior Party  
(Application No. 08/851,343)<sup>1</sup>,

v.

LI-CHU C. HUANG

Senior Party  
(Patent No. 5,460,398)<sup>2</sup>.

---

Patent Interference No. 104,435

---

Before McKELVEY, Senior Administrative Patent Judge, LEE and  
SCHAFER, Administrative Patent Judges.

LEE, Administrative Patent Judge.

---

<sup>1</sup> Application filed May 5, 1997. Accorded the benefit of application 08/334,782, filed November 4, 1994. According to counsel for the junior party, the application is assigned to Graco Children's Products Inc., a wholly owned subsidiary of Rubbermaid Incorporated, all the outstanding common stock of which is owned by Newell Rubbermaid Inc.

<sup>2</sup> Based on application 08/313,917, filed September 28, 1994.

Interference No. 104,435  
Wennerstrom v. Huang

**Judgment**

On April 7, 2000, junior party Wennerstrom filed a paper entitled "Notice of Abandonment of Contest as to Count" (Paper No. 17). According to 37 CFR § 1.662(a), the abandonment of contest is regarded as a request for entry of adverse judgment. The request is granted.

It is

**ORDERED** that judgment as to the subject matter of the count is entered against the junior party JOEL W. WENNERSTROM, ER-JUI CHEN, and LING CHUAN CHANG;

**FURTHER ORDERED** that judgment as to the subject matter of the count is awarded in favor of the senior party LI-CHU C. HUANG;

**FURTHER ORDERED** that junior party JOEL W. WENNERSTROM, ER-JUI CHEN, and LING CHUAN CHANG is not entitled to a patent containing their application claims 17 and 18 which correspond to the count;

**FURTHER ORDERED** that on this record, senior party LI-CHU C. HUANG is entitled to his patent claim 7; and

Interference No. 104,435  
Wennerstrom v. Huang

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35  
U.S.C. § 135(c) and 37 CFR § 1.661.

_____ )	
FRED E. MCKELVEY, Senior )	
Administrative Patent Judge) )	
) )	
) )	BOARD OF PATENT
) )	APPEALS
_____ )	
RICHARD SCHAFER )	AND
Administrative Patent Judge) )	INTERFERENCES
) )	
) )	
) )	
_____ )	
JAMESON LEE )	
Administrative Patent Judge) )	

Interference No. 104,435  
Wennerstrom v. Huang

By Federal Express

Counsel for junior party Wennerstrom:

George E. Quillin  
FOLEY & LARDNER  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109

Counsel for senior party Huang:

Sanford E. Warren  
GARDERE & WYNNE, L.L.P.  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201-4761