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Paper No. 5

Filed by: Interference Trial Section Merits Panel  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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CHI KONG JEREMY CHEUNG  
Junior Party,  
(Applications 29/098,513),

v.

AVI SIVAN  
Senior Party  
(Application 29/097,980).

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Patent Interference No. 104,508

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Before: SCHAFFER, LEE and TORCZON, Administrative Patent Judges.

PER CURIUM

**JUDGMENT PURSUANT TO 37 CFR § 1.662(a)**

On May 1, 2000, Junior Party Cheung, through counsel, informed Ms. Sonja Despertt, a legal technician assigned to the Interference Trial Section, that Cheung would not be filing any papers or proceeding further in this interference. This notification is taken as a request for entry of adverse judgment against Cheung under 37 CFR § 1.662(a). Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 32) the sole count in the interference, is awarded against the junior party CHI KONG JEREMY CHEUNG;

FURTHER ORDERED that, judgment on priority as to Count 1 is awarded in favor of senior party AVI SIVAN;

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, junior party CHI KONG JEREMY CHEUNG is not entitled to a patent containing the sole claim (corresponding to Count 1) of application 29/098,513, filed December 31, 1998.

FURTHER ORDERED that on the record before the Board of Patent Appeals and Interferences, senior party AVI SIVAN is entitled to a patent containing the sole claim (corresponding to Count 1) of application 29/097,980, filed December 18, 1998; and

FURTHER ORDERED that a copy of this decision be given a paper number and be made of record in the files of applications 29/098,513 and 29/097,980.

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RICHARD E. SCHAFER )  
Administrative Patent Judge )  
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JAMESON LEE )  
Administrative Patent Judge )  
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RICHARD TORCZON )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

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