

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID **SHAFER**, WILHELM ULRICH,
AURELIAN DODOC, RUDOLF VON BUENAU,
HANS-JURGEN MANN, ALEXANDER EPPLE,
SUSANNE BEDER, and WOLFGANG SINGER
Junior Party
(Application 12/409,394),

v.

YASUHIRO OMURA
Senior Party
(Patent 7,309,870).

Patent Interference No. 105,749 (SCM)

Before JAMESON LEE, SALLY GARDNER LANE, and SALLY C. MEDLEY,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

1 **Judgment – Merits – Bd.R. 127**

2 In a concurrent paper, we determined that all of Omura's involved claims are
3 unpatentable under 35 U.S.C. § 112, first paragraph, for lack of written description

1 in the specification. Moreover, Omura's motion to add a claim to the interference
2 was denied. Accordingly, Omura is without standing to continue in the
3 interference.

4 Accordingly, it is

5 **ORDERED** that judgment is entered against Omura for count 1
6 (Paper 1 at 4);

7 **FURTHER ORDERED** that claims 1-18, 33-36, 48 and 49 of
8 Omura's involved patent are CANCELLED, 35 U.S.C. § 135(a); and

9 **FURTHER ORDERED** that the parties shall note the requirements of
10 35 U.S.C. § 135(c) and Bd.R. 205; and

11 **FURTHER ORDERED** that a copy of this judgment be entered in the
12 administrative records of the involved Omura patent and Shafer application.

Revised 3 January 2006

cc (via electronic mail):

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