

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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DAVID **SHAFER**, WILHELM ULRICH,  
AURELIAN DODOC, RUDOLF VON BUENAU,  
HANS-JUERGEN MANN, ALEXANDER EPPLE,  
SUSANNE BEDER, and WOLFGANG SINGER  
Junior Party  
(Application 12/816,863),

v.

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

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Patent Interference No. 105,834 (SCM)  
(Technology Center 2800)

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Before JAMESON LEE, SALLY C. MEDLEY, and JENNIFER S. BISK,  
*Administrative Patent Judges.*

BISK, *Administrative Patent Judge.*

**Judgment – Merits – Bd. R. 127**

1           In a concurrent paper, we denied Omura's motion to designate Omura  
2 claims 25-32, 37-39, and 45-47 as not corresponding to Count 1. We also  
3 determined that all of Omura's involved claims are unpatentable under 35  
4 U.S.C. § 112, first paragraph, for lack of written description in the  
5 specification. Accordingly, Omura is without standing to continue in the  
6 interference.

7           Accordingly, it is

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

10           **FURTHER ORDERED** that claims 25-32, 37-39, and 43-47 of  
11 Omura's involved patent are CANCELLED, 35 U.S.C. § 135(a);

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

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

Interference No. 105,834

cc (via electronic delivery):

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