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## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

DAVID **SHAFER**, WILHELM ULRICH, AURELIAN DODOC,RUDOLF VON BUENAU, HANS-JUERGEN MANN, ALEXANDER EPPLE, SUSANNE BEDER, and WOLFGANG SINGER Junior Party (Application 11/653,366),

v.

## YASUHIRO OMURA

Senior Party (Patent 7,309,870).

Patent Interference No. 105,678 (SCM)

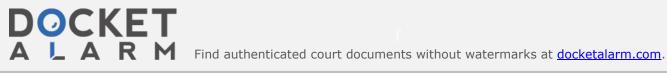
Before JAMESON LEE, SALLY GARDNER LANE, and SALLY C. MEDLEY, *Administrative Patent Judges*.

MEDLEY, Administrative Patent Judge.

Judgment – Request for Adverse – Bd.R. 127(b)



1	On 26 August 2009, Omura filed "OMURA RESPONSE 1 (to Shafer
2	Substantive Motion No. 1)" (Paper 47), in which Omura concedes that Omura's
3	involved patent does not provide written description support for certain claim
4	terms found in all of Omura's involved claims. (Paper 47 at 2:4-10). Omura also
5	does not seek to add new claims. The concession is construed as a request for
6	entry of adverse judgment. 37 C.F.R. §41.127(b)(3). The request is <b>granted</b> .
7	Accordingly, it is
8	<b>ORDERED</b> that judgment as to the subject matter of Count 1 (Paper
9	1 at 4) is entered against Omura;
10	FURTHER ORDERED that claims 21-24 of Omura's involved
11	patent are CANCELLED, 35 U.S.C. § 135(a); and
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 application.



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