

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
and is not binding precedent of the Board**

Paper No. 29

Filed by: 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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KEVIN T. FOLEY, RICHARD D. BUCHOLZ and KURT R. SMITH

Junior Party,  
(Application 09/198,519),

v.

IAIN H. KALFAS, DONALD W. KORMOS, DAVID W. PIRAINO,  
GENE H. BARNETT and CHARLES P. STEINER

Senior Party  
(Patents 5,517,990, 5,732,703 and 5,776,064).

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Patent Interference No. 104,545

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Before SCHAFER, TORCZON and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

On June 18, 2001, the Board received a paper entitled  
"CONCESSION OF PRIORITY BY FOLEY" (Paper 28), in which Foley  
requests entry of adverse judgment.

Upon consideration of Foley's request for adverse judgment of its involved application, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 49) is awarded against junior party KEVIN T. FOLEY, RICHARD D. BUCHOLZ and KURT R. SMITH.

FURTHER ORDERED that junior party KEVIN T. FOLEY, RICHARD D. BUCHOLZ and KURT R. SMITH is not entitled to a patent containing claims 37-64 (corresponding to Count 1) of application 09/198,519, filed 24 November 1998.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/198,519 and U.S. Patents 5,517,990, 5,732,703, and 5,776,064.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.666.

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RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	BOARD OF PATENT
RICHARD TORCZON	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
_____	)	
SALLY C. MEDLEY	)	
Administrative Patent Judge	)	

cc (via facsimile and federal express):

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