

BHS

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and is not binding precedent of the Board

Paper No. 37

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DOUGLAS B. WOOD,

Junior Party,
(Application 08/643,389),

v.

RINALDO MEZZALIRA,

Senior Party,
(Patent 5,477,888).

Patent Interference No. 104,564

FAXED

APR 26 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before SCHAFER, SPIEGEL and MEDLEY, Administrative Patent Judges.
MEDLEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

On April 19, 2002, the Board received a paper entitled
"WOOD'S CONCESSION OF PRIORITY" (Paper 35), in which Wood
concedes priority as to the count of the pending interference.
Wood's concession of priority is treated as a request for entry

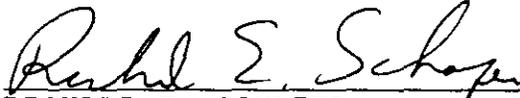
of an adverse judgment against it as to all claims which correspond to count 1, the sole count in the interference. 37 CFR § 1,662(a).

Upon consideration of Wood's concession of priority, it is ORDERED that judgment on priority as to Count 1 (Paper 1 at 5) is awarded against junior party DOUGLAS B. WOOD.

FURTHER ORDERED that junior party DOUGLAS B. WOOD is not entitled to a patent containing claims 3-7 (corresponding to Count 1) of application 08/643,389, filed 6 May 1996.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/643,389 and U.S. Patent 5,477,888.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER)
Administrative Patent Judge)


CAROL A. SPIEGEL)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES


SALLY C. MEDLEY)
Administrative Patent Judge)

cc (via facsimile and federal express):

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