

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and is not binding precedent of the Board**

Paper No. 23

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID W. DEATON and RODNEY G. GABRIEL

Junior Party,
(Patent 5,621,812)
v.

MICHAEL R. O'BRIEN, GEORGE W. OFF and TIMOTHY L. CHERNEY

Senior Party
(Application 08/498,654).

Patent Interference No. 104,601

Before, SCHAFER, TORCZON and MEDLEY, Administrative Patent
Judges.

MEDLEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the RESPONSE TO ORDER (Paper 22), it
is

ORDERED that judgment on priority as to Count 1 (Paper
1, page 46), the sole count in the interference, is awarded

against senior party Michael R. O'Brien, George W. Off and Timothy L. Cherney.

FURTHER ORDERED that senior party Michael R. O'Brien, George W. Off and Timothy L. Cherney is not entitled to a patent containing claims 1, 3-6, 8, 10, 13-21, 23-24, 27-35, 37-43, and 45-67 (corresponding to Count 1) of application 08/498,654, filed 3 July 1995.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/498,654 and U.S. Patent 5,621,812.

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

cc (via fax and federal express):

Attorney for O'Brien
(real party in interest
Catalina Marketing International, Inc.):

Charles L. Gholz, Esq.
Richard A. Niefeld, Esq.
James R. Boler, Esq.
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202

Tel: 703-413-3000 (main)
Tel: 703-412-6485 (Gholz direct)
Tel: 703-412-6492 (Niefeld direct)
Tel: 703-412-6262 (Boler direct)
Fax: 703-413-2220
E-mail: cgholz@oblon.com
E-mail: rniefeld@oblon.com
E-mail: jboler@oblon.com

Attorney for Deaton
(real party in interest
Inter*Act Systems):

James J. Maune, Esq.
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112-0228

Tel: 212-408-2500 (main)
Tel: 212-408-2566 (direct)
Fax: 212-705-5020
E-mail: james.maune@bakerbotts.com

Jerry W. Mills, Esq.
BAKER BOTTS L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

Tel: 214-953-6500
Tel: 214-953-6665 (direct)
Fax: 214-953-6503
E-mail: jerry.mills@bakerbotts.com