

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
AND IS NOT BINDING PRECEDENT OF THE BOARD

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Paper No. 39

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ANTHONY M. SOSNOWSKI

Junior Party  
(Patent No. 5,889,229)<sup>1</sup>,

v.

GEORGE H. SPIES, RICHARD A. HAMEL,  
JONATHON MITCHELL, WILLIAM LIONETTA  
and JAMES A. BRADLEY

Senior Party  
(Application 09/356,426)<sup>2</sup>.

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Patent Interference No. 104,657

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Before LEE, GARDNER-LANE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**Judgment**

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<sup>1</sup> Based on Application 08/819,983, filed March 18, 1997. The real party in interest is Instrument Specialties Co., Inc.

<sup>2</sup> Filed July 19, 1999. Accorded the benefit of Application 09/097,033, filed June 12, 1998; Application 08/691,718, filed August 2, 1996; and Application 60/003,032, filed August 25, 1995. The real party in interest is Parker-Hannifin Corporation.

Interference No. 104,657  
Sosnowski v. Spies

On February 1, 2002, junior party Sosnowski filed a paper entitled "CONCESSION OF PRIORITY BY JUNIOR PARTY SOSNOWSKI." In that paper (Paper No. 38), junior party concedes priority as to the subject matter of the count and acknowledges the concession as a request for entry of adverse judgment.

On the morning of February 6, 2002, a conference call was held between administrative patent judge Jameson Lee and respective counsel for the parties, Mr. Ronald E. Brown representing the junior party and Mr. William G. Gosz representing the senior party. During the conference, the parties were asked by the APJ whether they desired review at final hearing of any interlocutory decision entered thus far in the interference, in particular the denial of junior party's preliminary motion 1 on November 1, 2001. Counsel for the parties, William G. Gosz representing senior party and Ronald E. Brown representing junior party, indicated that there is no interlocutory decision for which they would like to seek review at a final hearing. Accordingly, it is now time appropriate for entry of judgment.

It is

**ORDERED** that judgment as to the subject matter of the count is herein entered against junior party ANTHONY M. SOSNOWSKI;

Interference No. 104,657  
Sosnowski v. Spies

**FURTHER ORDERED** that junior party ANTHONY M. SOSNOWSKI is not entitled to a patent containing its claims 1-13 which correspond to Count 1;

**FURTHER ORDERED** that a copy of this communication will be placed in the respective files of the parties' involved application or patent; and

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

_____	)	
JAMESON LEE	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	
SALLY GARDNER-LANE	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
_____	)	
SALLY C. MEDLEY	)	
Administrative Patent Judge	)	

Interference No. 104,657  
Sosnowski v. Spies

By Federal Express

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