

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 24

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

FRITZ H. BACH
and AGUSTIN DALMASSO,

Junior Party,
(Patent Application 08/426,377),

v.

DAVID J. WHITE
and ALAN F. WILLIAMS,

Senior Party,
(Applications 08/464,129 and 08/347,210).

Patent Interference No. 104,659

Before MCKELVEY, Senior Administrative Patent Judge, and
SCHAFER, and GARDNER-LANE, Administrative Patent Judges.

GARDNER-LANE, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Bach has filed a paper entitled "JUNIOR PARTY'S MOTION FOR
ADVERSE JUDGMENT" (Paper 23).

In the paper, Bach states that it requests that adverse
judgment be entered against it in the interference.

ORDER

Upon consideration of the record of the interference, it is ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party FRITZ H. BACH and AGUSTIN DALMASSO;

FURTHER ORDERED that junior party FRITZ H. BACH and AGUSTIN DALMASSO, is not entitled to a patent containing claims 1-3, 5-7, 9-15, 17-19, 23, 50, 55, 62, and 63 of application 08/426,377, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Bach's 08/426,377 application and White's 08/464,129 and 08/347,210 applications.

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| <u>FRED E. MCKELVEY, Senior</u> |) | |
| Administrative Patent Judge |) | |
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| |) | BOARD OF PATENT |
| <u>RICHARD E. SCHAFER</u> |) | APPEALS AND |
| Administrative Patent Judge |) | INTERFERENCES |
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| <u>SALLY GARDNER-LANE</u> |) | |
| Administrative Patent Judge |) | |

cc (via facsimile and first class mail):

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