

BHS

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AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
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Paper No. 67

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES R. STUART, MARK ALAN STURZA,
and DAVID P. PATTERSON

FAXED

SEP 11 2002

Junior Party,
(Patent 5,822,680)¹

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

v.

ANNE SAUVAGEOT, DENIS ROUFFET,
DIDIER CASASOPRANA, CYRIL MICHEL
and LAURENT COMBAREL

Senior Party
(Application 08/574,309)²

Patent Interference No. 104,679

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

LEE, Administrative Patent Judge.

¹ Based on application 08/744,337, filed November 7, 1996. The real party in interest is Teledesic LLC.

² Filed December 18, 1995. Accorded the benefit of French patent application 95-06930, filed June 12, 1995, and French patent application 95-11616, filed October 3, 1995. The real party in interest is Alcatel Space Industries.

Interference No. 104,679
Stuart v. Sauvageot

JUDGMENT

On August 23, 2002, an order to show cause was issued against senior party Sauvageot, noting that the senior party no longer has standing to remain in this interference and setting a 10 day period for Sauvageot to show cause why judgment should not be entered against it with respect to all of its claims corresponding to the count. (Paper No. 66) As of September 11, 2002, Party Sauvageot filed no such response, Accordingly, entry of adverse judgment is now appropriate. It is

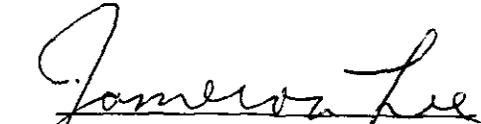
ORDERED that judgment is herein entered against claims 39-44 of senior party Sauvageot and therefore ANNE SAUVAGEOT, DENIS ROUFFET, DIDIER CASASOPRANA, CYRIL MICHEL and LAURENT COMBAREL are not entitled to their application claims 39-44 corresponding to the count;

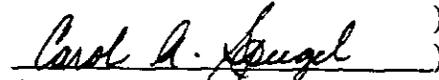
FURTHER ORDERED that on this record, junior party Stuart is entitled to its patent claims 1-20 which correspond to the count;

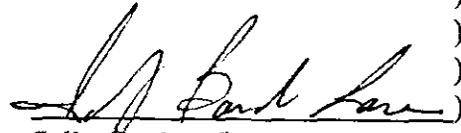
FURTHER ORDERED that any agreement or understanding between parties to this interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the United States Patent and Trademark office before termination of the interference as between the parties to the agreement or understanding. 35 U.S.C. § 135(c); 37 C.F.R. § 1.661; and

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FURTHER ORDERED that a copy of this paper will be entered in each party's
involved application or patent.


Jameson Lee)
Administrative Patent Judge)


Carol A. Spiegel)
Administrative Patent Judge)


Sally Gardner-Lane)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 104,679
Stuart v. Sauvageot

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