

BHS

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AND IS NOT BINDING PRECEDENT OF THE BOARD

Paper No. 63

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES R. TRUGLIO
and BRIAN M. McLAUGHLIN

Junior Party
(Application 09/083,425)¹,

v.

EDWARD W. GAUGHAN,
and VINCENT F. TROIANI,

Senior Party
(Patent No. 5,746,484)².

MAILED

JAN 31 2002

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

Patent Interference No. 104,683

Before LEE, SPIEGEL and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT

¹ Filed May 21, 1998. Accorded the benefit of Patent No. 5,967,620, based on application 08/708,984, filed September 6, 1996. The real party in interest is New York Air Brake Corporation, a subsidiary of Knorr-Bremse AG.

² Based on application 08/693,643, filed August 9, 1996. The real party in interest is Westinghouse Air Brake Technologies Corporation.

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Neither party seeks final hearing for review of any interlocutory decision entered thus far in this interference.³ In a decision on preliminary motions (Paper No. 58) mailed on January 11, 2002, we determined that all of party Truglio's claims corresponding to Count 1, i.e., claims 53-55, and all of party Gaughan's claims corresponding to Count 1, i.e., claims 1-3, are unpatentable over prior art. We also determined that all of party Truglio's claims corresponding to Count 2, i.e., claim 56, and all of party Gaughan's claims corresponding to Count 2, i.e., claim 4, are unpatentable over prior art.

Entry of final judgment is now appropriate. It is

ORDERED that senior party EDWARD W. GAUGHAN and VINCENT F. TROIANI (1) is not entitled to a patent containing its claims 1-3 which correspond to Count 1, and (2) is also not entitled to a patent containing its claim 4 which corresponds to Count 2;

FURTHER ORDERED that junior party JAMES R. TRUGLIO and BRIAN M. McLAUGHLIN (1) is not entitled to a patent containing its application claims 53-55 which correspond to Count 1, and (2) is also not entitled to a patent containing its application claim 56 which corresponds to Count 2;

³ See Paper No. 61 filed by Truglio on January 25, 2002 and Paper No. 62 filed by Gaughan also on January 25, 2002.

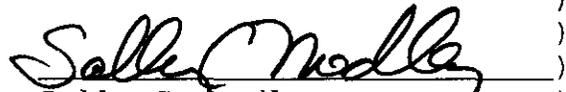
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FURTHER ORDERED that a copy of this judgment will be entered in the respective involved cases of the parties; and

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)


Carol A. Spiegel)
Administrative Patent Judge)


Sally C. Medley)
Administrative Patent Judge)

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Interference No. 104,683
Truglio v. Gaughan

By Facsimile and Federal Express

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