

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 23

Filed by: Trial Section Motions Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CLARENCE N. AHLEM and STEVEN M. TORKELSON
Junior Party,
(Application 08/844,946),

v.

RICHARD P. HAUGLAND and WOJCIECH SZALECKI
Senior Party
(Patent 5,798,276).

Patent Interference No. 104,744

Before: SCHAFFER, MEDLEY and TIERNEY, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

JUDGEMENT

(Pursuant to 37 CFR § 1.662)

Senior Party Haugland et al. has conceded priority to the count and requested adverse judgement. (Paper No. 22). Upon consideration of the record, it is:

ORDERED that judgment on priority as to Count 1 and Count 2 (Notice Declaring Interference, Paper No. 1, pages 5-7), is awarded *against* Senior Party Haugland et al.

FURTHER ORDERED that Senior Party Haugland et al. is not entitled to a patent containing claims 1-34 of Haugland et al., U.S. Patent 5,798,276.

FURTHER ORDERED that a copy of this final decision shall be placed and given a paper number in the file of Haugland et al., U.S. Patent 5,798,276 and Ahlem et al., U.S. Application 08/844,946.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.¹

RICHARD E. SCHAFER)	
Administrative Patent Judge)	
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)	
SALLY C. MEDLEY)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS
)	AND
)	INTERFERENCES
)	
)	
MICHAEL P. TIERNEY)	
Administrative Patent Judge)	

¹We note that a Settlement Agreement was filed with the Board. (Paper No. 19). The Board does not review the Settlement Agreement for purposes of compliance with 35 U.S.C. § 135(c). Specifically, it is the parties responsibility to ensure that the provisions of 35 U.S.C. § 135(c) have been complied with.

cc: (via Facsimile)

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