

BHS

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 19

Filed by: Interference Trial Section Merits Panel  
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Filed:  
19 April 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**FAXED**

NAN-XING HU, PAUL F. SMITH  
and BENG S. ONG,  
Junior Party,  
(Patent 5,944,650),

**APR 19 2002**

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

v.

MANOHAR SAINDANE and DAVID LADD,  
Senior Party,  
(Application 09/489,831).

Patent Interference 104,779 (McK)

Before: SCHAFER, LEE and TORCZON, Administrative Patent Judges.

PER CURIUM

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

A telephone conference call was held on April 17, 2002, at approximately 10:00 a.m., involving:

1. Richard E. Schafer, Administrative Patent Judge.
2. Paul F. Morgan, Esq., and Eugene Palazzo, Esq., counsel for Hu (Xerox).
3. Royal N. Ronning, Jr., Esq., counsel for Saindane (Amersham Health).

During the conference call, counsel for Hu orally conceded priority as to the subject matter of the count and requested entry of adverse judgment. The parties also requested that execution of the judgment be held in abeyance for 30 days to allow the parties time to file settlement papers. Both requests are granted.

Accordingly, it is

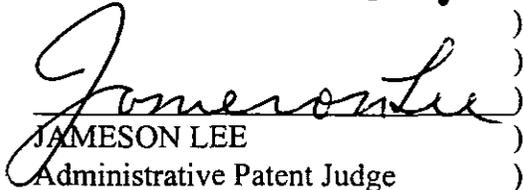
ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5), is awarded against the junior party, NAN-XING HU, PAUL F. SMITH and BENG S. ONG,

FURTHER ORDERED that junior party, NAN-XING HU, PAUL F. SMITH and BENG S. ONG, is not entitled to a patent containing claims 10-11 (corresponding to Count 1) of Patent 5,944,650;

FURTHER ORDERED that execution of the judgment in this interference be held in abeyance for 30 days from the date of this judgment;

FURTHER ORDERED that a copy of this judgment be made of record in Application 09/489,831 and in the file of Patent 5,944,650.

  
RICHARD E. SCHAFER )  
Administrative Patent Judge )

  
JAMESON LEE )  
Administrative Patent Judge )

  
RICHARD TORCZON )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

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