

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 18

Filed by: Trial Section Motions Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed: March 5, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT M. KOLODZIEJ AND EDWARD S. CZECHOWSKI
Junior Party
(U.S. Patent 6,221,130),

v.

CHARLES A. HENDERSON AND TERRY D. HENDERSON
Senior Party,
(U.S. Reissue Application 09/946,657).

FAXED

MAR 5 - 2003

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

Patent Interference No. 104,840 (MPT)

Before: TORCZON, LANE, and TIERNEY, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

FINAL JUDGEMENT
(Pursuant to 37 CFR § 1.662(a))

A. Judgment

A telephone conference call was held on March 5, 2003, at approximately 2:00 p.m.,
involving:

1. Michael P. Tierney, Administrative Patent Judge.

2. Raiford A. Blackstone for Senior Party Henderson;
3. Peter A. Bielinski and Charles Cox for Junior Party Kolodziej.

During the conference call, counsel for Junior Party Kolodziej stated that they would not be contesting the interference. This abandonment of contest is consistent with Junior Party Kolodziej's failure to submit a preliminary statement in this interference. Pursuant to 37 CFR § 1.662(a), Junior Party Kolodziej's abandonment of the contest is treated as a request for judgment against the Junior Party as to Count 1, the sole count in interference.

B. Order

Upon consideration of the record, and for the reasons given, it is:

ORDERED that judgment on priority as to Count 1 (Notice Declaring Interference, Paper No. 1, page 5), the sole count in the interference, is awarded *against* Junior Party Kolodziej.

FURTHER ORDERED that Junior Party Kolodziej is not entitled to a patent containing claims 1-23 of Kolodziej, U.S. Patent No. 6,221,130 as these claims correspond to Count 1. (Paper No. 1, p. 5).

FURTHER ORDERED that a copy of this Judgment shall be placed in and given a paper number in the file of Kolodziej, U.S. Patent No. 6,221,130 and in Henderson, U.S. Application No. 09/946,657.

cc (via Facsimile):

Attorney for Kolodziej:

Peter A. Bielinski
COOPER CAMERON CORPORATION
1333 West Loop South
Suite 1700
Houston, TX 77251-1212

Tel: 713-513-3323
Fax: 713-513-3421

Attorney for Henderson:

Raiford A. Blackstone, Jr.
Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd.
105 W. Adams Street
36th Floor
Chicago, IL 60603-6299

Tel: 312-704-1890
Fax: 312-704-8023