

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 27

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

Filed:
9 January 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RICHARD R. ANDERSON

Junior Party,
(Application 09/197,105),

v.

BRUCE KLITZMAN and KIM E. KOGER

Senior Party,
(Patent 6,013,122).

Patent Interference No. 104,841

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

SCHAFER, Administrative Patent Judge.

FAXED

JAN 9 - 2003

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

JUDGMENT PURSUANT TO 37 CFR § 1.662

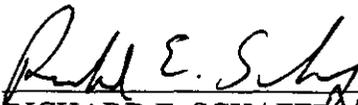
Anderson has filed a concession of priority as to the subject matter of Counts 1 and 2, the sole counts in this interference. Paper 25. A concession of priority is treated as a request for entry of adverse judgment. 37 CFR § 1.662(a). Accordingly, it is

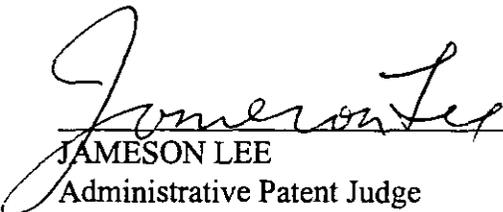
ORDERED that judgment on priority as to the subject matter of Counts 1 and 2 (Paper 1, p. 5), is awarded against the junior party, RICHARD R. ANDERSON;

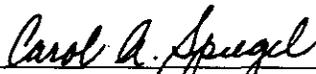
FURTHER ORDERED that junior party, RICHARD R. ANDERSON, is not entitled to a patent containing claims 111, 112, 116, 117 and 120 (corresponding to Count 1) and claims 114 and 118 (corresponding to Count 2) of Application 09/197,105;

FURTHER ORDERED that a copy of this judgment be made of record in Application 09/197,105; and Patent 6,013,122;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


_____)
RICHARD E. SCHAFIE)
Administrative Patent Judge)


_____) BOARD OF PATENT)
JAMESON LEE) APPEALS AND)
Administrative Patent Judge) INTERFERENCES)


_____)
CAROL A. SPIEGEL)
Administrative Patent Judge)

Date: 1/9/02
Arlington, VA

cc (via FAX):

Attorney for ANDERSON:

Anthony M. Zupcic, Esq.
FITZPATRICK, CELLA, HARPER
& SCINTO
30 Rockefeller Plaza
New York, NY 10112

Fax: 212-218-2200

Attorney for KLITZMAN:

Rodger L. Browdy
BROWDY and NEIMARK
624 Ninth Street, N.W.
Suite 300
Washington, D.C. 20001-5303

Fax: 202-737-3528