

The opinion in support of the decision being entered today is not binding precedent of the Board.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 17, 2003

**FAXED**

UNITED STATES PATENT AND TRADEMARK OFFICE

**MAR 17 2003**

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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

DONALD A. BANSLEBEN, STEFAN K. FRIEDRICH, TODD R. YOUNKIN,  
ROBERT H. GRUBBS, CHUNMING WANG AND ROBERT T. LI  
Junior Party  
(U.S. Patent Application 09/568,626),

v.

LYNDA K. JOHNSON, ALISON M. A. BENNETT, LIN WANG,  
ANJU PARTHASARATHY, ELISABETH HAUPTMAN,  
ROBERT D. SIMPSON, JERALD FELDMAN,  
EDWARD B. COUGHLIN,  
AND STEVEN D. ITTEL  
Senior Party,  
(U.S. Application No. 09/417,323).

Patent Interference No. **105,034** (MPT)

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

TIERNEY, Administrative Patent Judge.

**FINAL JUDGMENT**

Junior Party Bansleben has requested adverse judgment as to each of its claims designated to correspond to Counts 1 and 2, the counts in the interference. (Paper No. 17). As

entered against Bansleben. 37 C.F.R. §1.662.

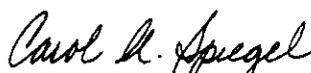
Upon consideration of the record, it is:

**ORDERED** that judgment on priority as to Counts 1 and 2 (Notice Declaring Interference, Paper No. 1, page 6), the counts in the interference, is awarded *against* Junior Party Bansleben.

**FURTHER ORDERED** that Junior Party Bansleben is not entitled to a patent containing claims 1, 11-26, 28, 31, 38, 46-63, 65, 67-69, 176-188, 189-222 of Bansleben et al., U.S. Patent Application 09/568,626 as these claims correspond to Counts 1 or 2.

**FURTHER ORDERED** that a copy of this final decision shall be placed and given a paper number in the file of Johnson et al., U.S. Application No. 09/417,323 and Bansleben et al., U.S. Patent Application 09/568,626.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

  
CAROL A. SPIEGEL )  
Administrative Patent Judge )  
  
SALLY GARDNER-LANE )  
Administrative Patent Judge )  
  
MICHAEL P. TIERNEY )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

cc (via Facsimile):

Attorney for BANSLEBEN:

Howard J. Troffkin  
Daniel B. Ruble  
CRYOVAC INC.  
Patent Department  
100 Rogers Bridge, Bldg. A  
Duncan, SC 29334

Tel: (864) 433-2496  
Fax: (864) 433-2831

Attorney for JOHNSON:

Gerald E. Deitch  
Bart E. Lerman  
E. I. du Pont de Nemours and Company  
Legal-Patents  
1007 Market Street  
Wilmington, DE 19898

Tel: (302) 992-5090  
Fax: (302) 992-2533