

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 23

Filed by: Trial Section Merits Panel
Board of Patent Appeals and Interferences
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January 16, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FAXED

JAN 16 2004

JEFFREY A. BLUESTONE, PHILLIP M. WALLACE
PETER S. LINSLEY, JEFFREY A. LEDBETTER, NITIN K. DAMLE,
AND WILLIAM BRADY
Junior Party
(U.S. Patent Application 08/696,107),

PT. & TR. OFFICE
BOARD OF PATENT APPEALS
& INTERFERENCES

v.

PETER S. LINSLEY, JEFFREY A. LEDBETTER, NITIN K. DAMLE,
AND WILLIAM BRADY
Senior Party,
(U.S. Patent No. 5,434,131).

Patent Interference No. 105,105 (MPT)

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

TIERNEY, Administrative Patent Judge.

FINAL JUDGMENT

Junior Party Bluestone has filed a request for entry of judgment adverse to Bluestone with respect to all counts in this interference (Counts 1-8). As Bluestone has requested adverse judgment, judgment on priority as to Counts 1-8 is entered against Bluestone. 37 C.F.R. §1.662.

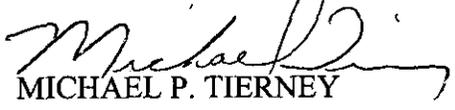
Upon consideration of the record, it is:

ORDERED that judgment on priority as to Counts 1-8, the counts in the interference, is awarded *against* JEFFREY A. BLUESTONE, PHILLIP M. WALLACE, PETER S. LINSLEY, JEFFREY A. LEDBETTER, NITIN K. DAMLE and WILLIAM BRADY.

FURTHER ORDERED that *against* JEFFREY A. BLUESTONE, PHILLIP M. WALLACE, PETER S. LINSLEY, JEFFREY A. LEDBETTER, NITIN K. DAMLE and WILLIAM BRADY is not entitled to a patent containing claims 20-27 of Bluestone, U.S. Application Serial No. 08/696,107, as they correspond to Counts 1-8.

FURTHER ORDERED that a copy of this final decision shall be placed and given a paper number in the file of Linsley et al., U.S. Patent No. 5,434,131 and Bluestone et al., U.S. Application No. 08/696,107.


JAMESON LEE)
Administrative Patent Judge)

CAROL A. SPIEGEL)
Administrative Patent Judge)

MICHAEL P. TIERNEY)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

cc (via Facsimile)

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