

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences, USPTO
P.O. Box 1450
Alexandria, Virginia 22313-1450
Tel: 571-272-9797 Fax: 571-273-0042

Paper No. 320
Entered: December 28, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KARL L. GINTER, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE,
Junior Party
(Application 09/411,205)

v.

GREG BENSON, GREGORY H. URICH, and CHRISTOPHER L. KNAUFT
(Patent 5,845,281; Applications 09/164,606 and 09/321,286)

Patent Interference No. 105,142

MARTIN, LEE, and MEDLEY, Administrative Patent Judges.

PER CURIAM.

JUDGMENT – Bd. Rule 127

For the reasons given in the “Decision on Priority” entered herewith, it is hereby

ORDERED that judgment on the issue of priority is entered against party KARL L.

GINTER, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE as to each of
Counts 1, 2, and 4;

FURTHER ORDERED that party KARL L. **GINTER**, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE is not entitled to a patent containing any of its claims which are designated as corresponding to Count 1 (i.e., Claims 91-93, 95-102, 105-09, 112-19, 120-22, 124-31, 134-38, and 141-48 of involved Application 09/411,205);

FURTHER ORDERED that party KARL L. **GINTER**, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE is not entitled to a patent containing any of its claims which are designated as corresponding to Count 2 (i.e., Claims 94, 103, 104, 123, 132, and 133 of involved Application 09/411,205);

FURTHER ORDERED that party KARL L. **GINTER**, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE is not entitled to a patent containing any of its claims which are designated as corresponding to Count 4 (i.e., Claims 110, 111, 139, and 140 of involved Application 09/411,205);

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Board Rule 205; and

STILL FURTHER ORDERED that a copy of this judgment be filed in the involved applications and patent of the parties.

)	
<u>/ss/ John C. Martin</u>)
JOHN C. MARTIN)
Administrative Patent Judge)
)	
)	
<u>/ss/ Jameson Lee</u>)
JAMESON LEE)
Administrative Patent Judge)
)	
)	
<u>/ss/ Sally C. Medley</u>)
SALLY C. MEDLEY)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

Interference No. 105,142
Ginter v. Benson

cc (Federal Express):

Attorney for party GINTER:

Linda J. Thayer, Esq.
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
Stanford Research Park
3300 Hillview Avenue
Palo Alto, CA 94304-1203

Attorney for party BENSON:

Charles L. Gholz, Esq.
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314