

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 52

Filed by: Trial Section Merits Panel  
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Filed:  
28 October 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**LEVER BROTHERS CO.**  
Junior Party,  
(Reissue application 10/740,392),

v.

**HENKEL KGAA**  
Senior Party,  
(Application 09/380,739).

Patent Interference No. 105,143



Before: McKELVEY, Senior Administrative Patent Judge, and MEDLEY and MOORE,  
Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**JUDGMENT-RULE 127**

For the reasons given in the Decision on Preliminary Motions (Paper 51), judgment is herein entered against junior party Lever. In particular, Lever has not alleged a date of invention with respect to the subject matter of the count prior to the senior party Henkel's earliest accorded benefit date of 11 March 1997 (Paper 32). Moreover, Lever did not challenge Henkel's accorded

benefit date. Accordingly, judgment is entered against junior party Lever. It is

**ORDERED** that judgment as to the subject matter of the count is herein entered against junior party **LEVER BROTHERS CO.**;

**FURTHER ORDERED** junior party **LEVER BROTHERS CO.** is not entitled to claims 1-45 which correspond to the count;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 41.205; and

**FURTHER ORDERED** that a copy of this judgment be filed in the respective involved applications of the parties.

*m.gk*

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FRED E. McKELVEY, Senior )  
Administrative Patent Judge )

*Sally C. Medley* )  
SALLY C. MEDLEY ) BOARD OF PATENT )  
Administrative Patent Judge ) APPEALS AND )  
INTERFERENCES )

*James T. Moore* )  
\_\_\_\_\_) )  
JAMES T. MOORE )  
Administrative Patent Judge )

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