

Filed by:

Motions Panel  
Mail Stop Interference  
P.O. Box 1450  
Alexandria VA 22313-1450  
Tel: 703-308-9797  
Fax: 703-305-0942

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**LUTZ GISSMANN**

Junior Party  
(Application 09/162,904)

v.

**DOUGLAS R. LOWY,**  
**JOHN T. SCHILLER, and REINHARD KIRNBAUER**

Senior Party  
(Patent 5,985,610)

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Patent Interference No. 105,179 (JTM)

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**Judgment – Request for Adverse – Bd. R. 127(b)**

Before SCHAFFER, MEDLEY, and MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

Gissman has filed Paper 86, a request for adverse judgment.

Upon consideration of Paper 86, it is hereby:

**ORDERED** that judgment on priority as to Count 1 (Paper 1, page 5) is awarded against

junior party Lutz Gissman.

**FURTHER ORDERED** that junior party Lutz Gissman is not entitled to a patent containing claims 23-34 (corresponding to Count 1) of application 09/162,904.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/162,904 and patent 5,985,610.

**FURTHER ORDERED** that as the parties have stated that there is a settlement agreement, the parties shall direct attention to compliance with 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666].

/Richard E. Schafer/ )  
RICHARD E. SCHAFER )  
Administrative Patent Judge )  
)  
/Sally C. Medley/ ) BOARD OF PATENT  
SALLY C. MEDLEY )  
Administrative Patent Judge ) APPEALS AND  
)  
/James T. Moore/ ) INTERFERENCES  
JAMES T. MOORE )  
Administrative Patent Judge )

August 12, 2005  
Alexandria, VA

cc: (via fax)

Attorney for Gissmann

Samuel B. Abrams, Esq.  
JONES DAY LLP  
222 East 41<sup>st</sup> Street  
New York, N.Y. 10017

Fax: 212-755-7306

Birgit Millauer, Esq.  
DORSEY & WHITNEY LLP  
Four Embarcadero Center  
Suite 3400  
San Francisco, CA 94111-4187

Fax: (415) 398-3249

Attorney for Lowy

Brenton R. Babcock, Esq.  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 Main Street, 14th Floor  
Irvine, CA 92614

Fax: (949) 760-9502

Attorney for the United States

Gary L. Hausken  
Assistant Director  
Commercial Litigation Branch  
Civil Division  
Department of Justice  
Washington, DC 20530  
Tel: (202) 307-0342  
Fax: (202) 307-0345