

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 82

Filed by: Trial Section Motions Panel  
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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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PAUL A. ROWLANDS  
Junior Party,  
(Patent 6,071,077),

v.

DAVID A. SPEAR, DENNIS N. KANTOR,  
BRUCE P. BIEDERMAN and JOHN A. OROSA  
Senior Party,  
(Application 09/874,931).

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Patent Interference No. 105,195

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Before: SCHAFER, LEE, and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**Judgment - Motions - Bd.R. 127**

For the reasons given in the Decision on Preliminary Motions (Paper 81), judgment is herein entered against junior party Rowlands. In particular, Rowlands failed to file a priority statement alleging an earlier date of invention with respect to the subject matter of the count prior to the senior party Spear's earliest accorded benefit date of 17 November 1995. Accordingly, judgment is entered against junior party Rowlands. It is

**ORDERED** that judgment as to the subject matter of the count is herein entered against junior party **ROWLANDS**;

**FURTHER ORDERED** junior party **ROWLANDS** is not entitled to claims 1-13 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.

cc (via e-mail):

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