

The opinion in support of the decision being entered today is not
binding precedent of the Board.

Paper 59

Filed by:
Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SHUNONG YANG, WILLIAM F. McCOY,
and
ANTHONY W. DALLMIER
Junior Party
(Patent 6,156,229),

v.

ROBERT M. MOORE
and
CHRISTOPHER J. NALEPA
Senior Party
(Application 09/451,319).

Patent Interference No. 105,223

Before SCHAFFER, DELMENDO, and MOORE, Administrative Patent
Judges.

MOORE, Administrative Patent Judge.

Judgment - Bd.R. 127

Panel decisions on motions (Papers 55 and 56) have been
rendered in this interference. All involved claims of both
parties, including the claim defining the count, are

unpatentable. Accordingly, a count cannot be formulated, and it is inappropriate to continue to the priority phase of this interference. Therefore, it is:

ORDERED that judgment as to the subject matter of Count 1 (Paper 1, p. 5) is awarded against both parties;

FURTHER ORDERED that junior party, SHUNONG YANG, WILLIAM F. McCOY, and ANTHONY W. DALLMIER is not entitled to a patent containing Claims 1-20 of patent 6,156,229;

FURTHER ORDERED that senior party, ROBERT M. MOORE and CHRISTOPHER J. NALEPA is not entitled to a patent containing Claims 61-65 of application 09/451,319;

FURTHER ORDERED that a copy of this judgment be made of record in the files of application 09/451,319 and patent 6,156,229; and

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention shall be directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

/Richard E. Schafer/_____)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
/Romulo H. Delmendo/_____)	BOARD OF PATENT
ROMULO H. DELMENDO)	
Administrative Patent Judge)	APPEALS AND
)	
/James T. Moore/_____)	INTERFERENCES
JAMES T. MOORE)	
Administrative Patent Judge)	

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