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11 April 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MEIR EDELMAN,
AVIHAI PERL, MOSHE FLAISHMAN, and
AMNON BLUMENTHAL,
Junior Party

(Application 09/529,172),

v.

ANNE-MARIE STOMP, and
NIRMALA RAJBHANDARI,
Senior Party
(Patent 6,040,498).

Patent Interference No. 105,261

Before Delmendo, Lane, and Moore, Administrative Patent Judges.

Lane, Administrative Patent Judge.

Judgment - Request for Adverse - Bd.R. 127(b)

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Edelman has filed a request for adverse judgment as to the contested subject matter. (Paper 43, Request).¹

¹ Edelman filed the request with its motion to redefine the interfering subject matter by substituting Count 2 for Count 1 and having its claims 31 and 33-35 designated as not corresponding to Count 2. (Paper 44). Since that motion was granted, Edelman's request is directed toward the subject matter of Count 2 and the claims that correspond to Count 2.

1 Upon consideration of the record and for reasons given, it is

2 ORDERED that judgment on priority as to Count 2, the sole count of the
3 interference, is entered against junior party MEIR EDELMAN, AVIHAI PERL, MOSHE
4 FLAISHMAN, and AMNON BLUMENTHAL;

5 FURTHER ORDERED that junior party MEIR EDELMAN, AVIHAI PERL,
6 MOSHE FLAISHMAN, and AMNON BLUMENTHAL is not entitled to a patent
7 containing claims 1-8,² 12-18, 21-30, 32, 36, 54-58, and 65-71, which claims
8 correspond to Count 2;

9 FURTHER ORDERED that, if there is a settlement agreement, the parties
10 are directed to 35 USC 135(b) and Bd.R. 205;

11 FURTHER ORDERED that a copy of this judgment shall be entered into
12 the administrative records of Edelman’s 09/529,172 application and Stomp’s 6,040,498
13 patent.

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16	<u>/Romulo H. Delmendo/</u>)	
17	Administrative Patent Judge)	
18)	BOARD OF PATENT
19	<u>/Sally Gardner Lane/</u>)	APPEALS AND
20	Administrative Patent Judge)	INTERFERENCES
21)	
22	<u>/James T. Moore/</u>)	
23	Administrative Patent Judge)	

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² The examiner has indicated that claim 3 is not patentable to Edelman on another basis as well (See Form 850, attached to Paper 1).

1 cc (via federal express):

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