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Filed:  
November 22, 2006

10 UNITED STATES PATENT AND TRADEMARK OFFICE

11 \_\_\_\_\_  
12  
13 BEFORE THE BOARD OF PATENT APPEALS  
14 AND INTERFERENCES  
15 \_\_\_\_\_

16  
17 Derk J. Bergsma,  
18 and  
19 Masashi Yanagisawa  
20 Junior Party  
21 (Patent 6,001,963),  
22

23 v.  
24

25 J. Gregor Sutcliffe,  
26 Cardiff Regor, Kaare M. Gautvik, Luis De Lecea,  
27 Floyd E. Bloom, Patria E. Danielson,  
28 Vigdis T. Gautvik, Thomas S. Kilduff, and  
29 Pamela E. Foye  
30 Senior Party  
31 (Application 09/735,138).  
32 \_\_\_\_\_

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34 Patent Interference No. 105,280  
35 \_\_\_\_\_

36  
37 **JUDGMENT – Bd. R. 127(b)**

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39 Before **Schafer, Medley, and Moore**, *Administrative Patent Judges*.

40 **Moore**, *Administrative Patent Judge*.

41 Bergsma has filed Paper 60, a Concession of Priority. This is construed  
42 as a request for adverse judgment as to count 2, the only count of this  
43 interference. See Bd. R. 127(b)(3).

1           Upon consideration of the Request for Adverse Judgment, it is hereby:  
2           **ORDERED** that judgment on priority as to Count 2 (Paper 46, pages 1-2)

3 is awarded against junior party Derk J. Bergsma and Masashi Yanagisawa.

4           **FURTHER ORDERED** that junior party Derk J. Bergsma and Masashi  
5 Yanagisawa is not entitled to a patent containing claims 1 and 3 (corresponding  
6 to Count 2) of patent 6,001,963.

7           **FURTHER ORDERED** that a copy of this paper shall be made of record in  
8 files of application 09/735,138 and patent 6,001,963.

9           **FURTHER ORDERED** that as the parties have stated that there is a  
10 settlement agreement, the parties shall direct attention to 35 U.S.C. § 135(c) and  
11 37 CFR § 41.205(a).

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13	<u>/Richard E. Schafer/</u>	)	
14	RICHARD E. SCHAFER	)	
15	Administrative Patent Judge	)	
16		)	
17	<u>/Sally C. Medley/</u>	)	BOARD OF PATENT
18	SALLY C. MEDLEY	)	APPEALS AND
19	Administrative Patent Judge	)	INTERFERENCES
20		)	
21	<u>/James T. Moore/</u>	)	
22	JAMES T. MOORE	)	
23	Administrative Patent Judge	)	

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1 cc (electronic filing):

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