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Paper No. 77
Entered 8 June 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

LEE S. WEINBLATT

Junior Party
(Patent 4,457,807)¹

v.

VICTOR A. AIJALA, GERALD B. COHEN,
JAMES M. JENSEN, WENDELL D. LYNCH and JUAN C. URBI

Senior Party
(Application 08/728,624)²

Patent Interference No. 105,295

1 Before PATE, LEE and MEDLEY, Administrative Patent Judge.

2

3 LEE, Administrative Patent Judge.

4

5

Judgment – Bd. Rule 127(b)

¹ Based on Application 08/215,176, filed March 21, 1994.

² Filed October 10, 1996. Accorded the benefit of Application 08/396,342, filed February 28, 1995, and Application 07/976,558, filed November 16, 1992. The real party in interest is Arbitron, Inc.

1 Junior party Weinblatt filed no priority statement and also no priority motion. The
2 inaction is regarded as a concession of priority, which under 37 CFR § 41.127(b)(3) is further
3 construed as a request for entry of adverse judgment on priority. The request is **granted**.

4 It is

5 **ORDERED** that judgment as to the subject matter of Count 1 is herein entered against
6 junior party LEE S. WEINBLATT;

7 **FURTHER ORDERED** that junior party LEE S. WEINBLATT is not entitled to its
8 involved patent claims 1-16 which correspond to Count 1;

9 **FURTHER ORDERED** that if there is a settlement agreement, the parties should note
10 the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205;

11 **FURTHER ORDERED** that a copy of this judgment be filed in the respective involved
12 application or patent of the parties.

13
14 /ss/ William F. Pate, III)
15 WILLIAM F. PATE, III)
16 Administrative Patent Judge)

17)
18)
19)
20 /ss/ Jameson Lee) BOARD OF PATENT
21 JAMESON LEE) APPEALS
22 Administrative Patent Judge) AND
23) INTERFERENCES

24)
25)
26 /ss/ Sally C. Medley)
27 SALLY C. MEDLEY)
28 Administrative Patent Judge)

Interference No. 105,295
Weinblatt v. Aijala

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