

This order is not binding precedent of the Board.

Paper 64

Filed by: Trial Division Merits Panel
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Entered 21 March 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

The Dow Chemical Company,

Junior Party

(Patent 6,465,384

Inventors: Francis J. Timmers, James C. Stevens, David D. Devore, Robert
K. Rosen,
Jasson T. Patton and David R. Neithamer)

v.

Basell Polypropylen GMBH,

Junior Party

(Application 10/893,057

Inventors: Gerhard Erker, Bodo Temme, Michael Aulbach, Bernd
Bachmann and
Frank Kuber),

Patent Interference No. 105,362 (RES)
(Technology Center 1600)

Before SCHAFER, HANLON, and TIERNEY, *Administrative Patent Judges.*

SCHAFER, *Administrative Patent Judge.*

Judgment - Merits - Bd.R. 127

1 In Paper 63 we granted Dow's motion for priority. Accordingly it is
2 appropriate to enter judgment against Basell. It is

3 **ORDERED** that judgment on priority as to the subject matter of
4 Count 2 (Paper 50, pp. 2-3) is awarded against senior party, Basell
5 Polypropylen GMBH;

6 **FURTHER ORDERED** that Basell Polypropylen GMBH, is not
7 entitled to a patent containing claims 22, 24, 26-27, 48 and 49
8 (corresponding to Count 2) of Application 10/893,057;

9 **FURTHER ORDERED** that a copy of this judgment and the
10 decision on priority (Paper 63) be made of record in the files of Application
11 10/893,057 and Patent 6,465,384; and

12 **FURTHER ORDERED** that if there is any settlement agreement
13 which has not been filed, attention is directed to 35 U.S.C. ' 135(c) and 37
14 CFR ' 41.205.

<u>/Richard E. Schafer/</u>)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
)	
<u>/Adriene Lepiane Hanlon/</u>)	BOARD OF PATENT
ADRIENE LEPIANE HANLON)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
<u>/Michael P. Tierney/</u>)	
MICHAEL P. TIERNEY)	
Administrative Patent Judge)	

cc (electronic filing):

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