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Paper 27

Filed 1 May 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HAROLD WIESMANN and VYACHESLAV SOLOVYOV
Junior Party
(Patent 6,794,339),

v.

IGOR SELEZNEV and MICHAEL J. CIMA
Senior Party
(Application 10/799,436).

Patent Interference No. 105,406 (SCM)

Before: TORCZON, MEDLEY, and MOORE, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

On 28 April 2006, the board received from the party Seleznev a paper styled "SELEZNEV CONCESSION OF PRIORITY AND REQUEST FOR ADVERSE JUDGMENT" (Paper 25), in which Seleznev concedes priority and requests entry of adverse judgment as to claims 134, 143-156, 158-164 and 166-170 of application 10/799,436. Seleznev's request is construed as a request for adverse judgment under Bd.R. 127(b).

Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 4), the sole count in the interference is awarded against the senior party IGOR SELEZNEV and MICHAEL J. CIMA.

FURTHER ORDERED that senior party IGOR SELEZNEV and MICHAEL J. CIMA is not entitled to a patent containing claims 134, 143-156, 158-164 and 166-170 (corresponding to Count 1) of application 10/799,436.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 10/799,436 and U.S. Patent 6,794,339.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

<u>/Richard Torczon/</u>)	
RICHARD TORCZON)	
Administrative Patent Judge)	
)	
<u>/Sally C. Medley/</u>)	BOARD OF PATENT
SALLY C. MEDLEY)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
<u>/James T. Moore/</u>)	
JAMES T. MOORE)	
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