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11 UNITED STATES PATENT AND TRADEMARK OFFICE

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15 BEFORE THE BOARD OF PATENT APPEALS
16 AND INTERFERENCES
17 (Senior Administrative Patent Judge McKelvey)

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19
20 MICHAEL K. GALLAGHER and YUJIAN YOU,
21 Junior Party
22 (Application 10/394,342).

23
24 v.

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26 TIMOTHY JOSEPH DALTON, STEPHEN EDWARD GRECO,
27 JEFFREY CURTIS HEDRICK, SATYANARAYANA V. NITTA,
28 SAMPATH PURUSHOTHAMAN, KENNETH PARKER RODBELL,
29 and
30 ROBERT ROSENBERG,

31
32 Junior Party
33 (Patent 6,451,712 B1),

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36 Patent Interference 105,410 (McK)
37 Technology Center 1700

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40 SCHAFFER, TIERNEY, and MOORE, *Administrative Patent Judges*.

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42 MOORE, *Administrative Patent Judge*.

43 **JUDGMENT – REQUEST FOR ADVERSE – Bd. R. 127(b)**

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46 Dalton has filed Paper 36, a Request for Adverse Judgment as to count 2, the only count

1 of this interference.

2 Upon consideration of the Request for Adverse Judgment, it is hereby:

3 **ORDERED** that judgment on priority as to Count 2 (Paper 30, page 2) is awarded
4 against senior party TIMOTHY JOSEPH DALTON, STEPHEN EDWARD GRECO, JEFFREY
5 CURTIS HEDRICK, SATYANARAYANA V. NITTA, SAMPATH PURUSHOTHAMAN,
6 KENNETH PARKER RODBELL, and ROBERT ROSENBERG,

7 **FURTHER ORDERED** that senior party TIMOTHY JOSEPH DALTON, STEPHEN
8 EDWARD GRECO, JEFFREY CURTIS HEDRICK, SATYANARAYANA V. NITTA,
9 SAMPATH PURUSHOTHAMAN, KENNETH PARKER RODBELL, and ROBERT
10 ROSENBERG, is not entitled to a patent containing claims 26-32 and 34 (corresponding to
11 Count 2) of patent 6,451,712 B2.

12 **FURTHER ORDERED** that a copy of this paper shall be made of record in files of
13 application 10/394,342 and patent 6,451,712 B2.

14 **FURTHER ORDERED** that, if there is a settlement agreement, the parties shall direct
15 attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a).

16 /Richard E. Schafer/)
17 Administrative Patent Judge)
18)
19)
20 /Michael P. Tierney/) BOARD OF PATENT
21 Administrative Patent Judge) APPEALS AND
22) INTERFERENCES
23)
24 /James T. Moore/)
25 Administrative Patent Judge)
26)
27)

28 cc (via electronic mail):
29

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