

1 The opinion in support of the decision being
2 entered today is not binding precedent of the board.

Paper 24

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5 Filed by:

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Filed 26 April 2006

13
14 UNITED STATES PATENT AND TRADEMARK OFFICE

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

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21
22 ARTHUR A. **BRANSTROM**, DONATA R. SIZEMORE
23 and JERALD C. SADOFF,

24
25 Junior Party
26 (Application 09/512,810),

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28 v.

29
30 ROBERT J. **POWELL**, GEORGE K. LEWIS
31 and DAVID M. HONE,

32
33 Senior Party
34 (Patent 5,877,159).

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36
37 Patent Interference 105,428 (McK)
38 Technology Center 1600

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41 Before: McKELVEY, Senior Administrative Patent Judge, and MEDLEY
42 and MOORE, Administrative Patent Judges.

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45 McKELVEY, Senior Administrative Patent Judge.

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48 **FINAL JUDGMENT**

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50 Upon consideration of BRANSTROM'S NOTICE OF NO RESPONSE TO
51 SHOW CAUSE ORDER (Paper 21), it is

1 ORDERED that judgment on priority as to Count 1 and
2 Count 2, the only counts in the interference, is awarded
3 against junior party ARTHUR A. **BRANSTROM**, DONATA R. SIZEMORE and
4 JERALD C. SADOFF.

5 FURTHER ORDERED that junior party ARTHUR A. **BRANSTROM**,
6 DONATA R. SIZEMORE and JERALD C. SADOFF is not entitled to a
7 patent containing claims 45-52 (corresponding to Count 1) of
8 application 09/512,810.

9 FURTHER ORDERED that junior party ARTHUR A. **BRANSTROM**,
10 DONATA R. SIZEMORE and JERALD C. SADOFF is not entitled to a
11 patent containing claims 53-59 (corresponding to Count 2) of
12 application 09/512,810.

13 FURTHER ORDERED that a copy of this paper shall be made
14 of record in files of application 09/512,810 and U.S. Patent
15 5,877,159.

16 FURTHER ORDERED that if there is a settlement
17 agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR
18 § 1.661.

19
20 /ss/ Fred E. McKelvey)
21 FRED E. MCKELVEY, Senior)
22 Administrative Patent Judge)
23))
24))
25 /ss/ Sally C. Medley)
26 SALLY C. MEDLEY) BOARD OF PATENT
27 Administrative Patent Judge) APPEALS AND
28)) INTERFERENCES
29))
30 /ss/ James T. Moore)
31 JAMES T. MOORE)
32 Administrative Patent Judge)

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2 Justice):

3
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7 as represented by the
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