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Entered: 2 May 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN *LANDERS*, BARBARA JORDAN,
DAVID E. HOUSMAN, and ALAIN CHAREST,
Junior Party
(U.S. Patent 6,703,228 B1),

v.

RONALD *SAPOLSKY*, ROBERT LIPSHUTZ, and
THOMAS GINGERAS,
Senior Party
(Application 10/942,479).

Patent Interference No. 105,439
(Technology Center 1600)

Before: ADRIENE LEPIANE HANLON, ROMULO H. DELMENDO, and
MICHAEL P. TIERNEY, *Administrative Patent Judges*.

TIERNEY, *Administrative Patent Judge*.

JUDGMENT - PRELIMINARY MOTIONS - Bd. R. 127

1 The Board has entered a Decision on Motions in this interference.
2 (Paper 75). As discussed in the Decision, all of Sapolsky's involved claims
3 fail to comply with the written description requirement of 35 U.S.C. ¶ 112,
4 1st paragraph. Additionally, the Board has found that Sapolsky's proposed
5 claims 58-62 (Sapolsky Contingent Responsive Motion 1, Paper 46),
6 likewise fail to comply with the written description requirement.
7 Accordingly, Sapolsky's involved application lacks a basis to challenge
8 Lander's priority of invention. Judgment is entered against Sapolsky.

9 It is:

10 **Ordered** that judgment on priority of invention as to Count 1, the sole
11 count in interference, is awarded against Sapolsky.

12 **Further Ordered** that Sapolsky is not entitled to claims 13-21, 24, 25
13 and 27-31 of U.S. Application 10/942,479, all of which correspond to Count
14 1.

15 **Further Ordered** that Sapolsky is not entitled to claims 58-62, each
16 of which was presented in Sapolsky Contingent Responsive Motion 1 (Paper
17 46).

18 **Further Ordered** that a copy of this paper be placed in the files of
19 Sapolsky, U.S. Application 10/942,479 and Landers, U.S. Patent 6,703,228.

1 **Further Ordered** that the parties' attention is directed to 35 U.S.C.
2 §135(c) and Bd. R. 205.

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/Adriene Lepiane Hanlon/)
ADRIENE LEPIANE HANLON)
Administrative Patent Judge)
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/Romulo H. Delmendo/) BOARD OF PATENT
ROMULO H. DELMENDO)
Administrative Patent Judge) APPEALS AND
)
) INTERFERENCES
/Michael P. Tierney/)
MICHAEL P. TIERNEY)
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Interference 105,439

1 cc (via electronic mail):

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4 **TECHNOLOGY)**:

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