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UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**EDWARD D. PHILLIPS**  
Junior Party  
(Patent Nos. 6,552,106 and 6,323,266),

v.

KENNETH M. **WHITE**, LEE A. PAVELKA,  
VERA L. LIGHTLE, AND JAMES C. CODERRE  
Senior Party  
(Application No. 10/304,501).  
Patent Interference No. 105,454 (MPT)  
(Technology Center 1700)

Before: DELMENDO, LANE, and TIERNEY, Administrative Patent Judges.  
TIERNEY, Administrative Patent Judge.

**JUDGMENT - ADVERSE - Bd. R. 127(b)**

1 Phillips has filed a request for adverse judgment (Paper 44). Specifically,  
2 Phillips has informed the Board that, pursuant to a settlement agreement, Phillips  
3 concedes priority of invention as to Count 1, the sole count in interference to  
4 White.

5 It is:

6 **Ordered** that judgment on priority of invention as to Count 1, the sole count  
7 in interference, is awarded against Junior Party Phillips.

8 **Further Ordered** that Junior Party Phillips is not entitled to a patent  
9 containing claims 1-22 of Phillips 6,552,106 and claims 1-26 of Phillips 6,323,266,  
10 all of which correspond to Count 1.

11 **Further Ordered** that a copy of this paper shall be made of record in the  
12 files of Phillips U.S. Patents 6,552,106 and 6,323,266 and White U.S. Application  
13 10/304,501.

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

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/ss/ Romulo H. Delmendo )  
ROMULO H. DELMENDO )  
                                    ) BOARD OF  
/ss/ Sally G. Lane         ) PATENT  
SALLY G. LANE               ) APPEALS AND  
                                    ) INTERFERENCES  
/ss/ Michael P. Tierney    )  
MICHAEL P. TIERNEY        )

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