

1 Mail Stop Interference
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Filed 7 May 2007

Paper 31

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7
8 UNITED STATES PATENT AND TRADEMARK OFFICE

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10
11 BEFORE THE BOARD OF PATENT APPEALS
12 AND INTERFERENCES

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15 ANDREW D. **LUSTER**,
16 PHILIP LEDER, MARC ROTHENBERG,
17 and EDUARDO GARCIA
18 Junior Party
19 (Patent 6,780,973),

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21 v.

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23 PAUL D. **PONATH**,
24 SHIXIN QIN, DOUGLAS J. RINGLER, WALTER NEWMAN,
25 and CHARLES MACKAY
26 Senior Party
27 (Application 08/494,093).

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30 Patent Interference No. 105,465
31 (Technology Center 1600)

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34 Before LEE, LANE, and MOORE, Administrative Patent Judges.

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36 LANE, Administrative Patent Judge.

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38 **Judgment- Request for Adverse – Bd. R. 127**

1 Luster requests adverse judgment. (Paper 30).

2 Upon consideration of the record of the interference and for reasons
3 given, it is

4 ORDERED that judgment on priority as to Count 1, the sole
5 count of the interference, is entered against junior party ANDREW D.
6 LUSTER, PHILIP LEDER, MARC ROTHENBERG, and EDUARDO
7 GARCIA;

8 FURTHER ORDERED that junior party ANDREW D. LUSTER,
9 PHILIP LEDER, MARC ROTHENBERG, and EDUARDO GARCIA is not
10 entitled to a patent containing claims 3, 8, and 9 of patent 6,780,973, which
11 claims correspond to Count 1;

12 FURTHER ORDERED that, if there is a settlement agreement,
13 the parties are directed to 35 USC §135(c) and Bd. R. 205; and

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1 FURTHER ORDERED that a copy of this judgment shall be
2 entered into the administrative records of Luster patent 6,780,973 and
3 Ponath application 08/494,093.

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5 /Jameson Lee/)
6 JAMESON LEE)
7 Administrative Patent Judge)

8)
9)

10 /Sally Gardner Lane/) BOARD OF PATENT
11 SALLY GARDNER LANE) APPEALS AND
12 Administrative Patent Judge) INTERFERENCES

13)
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15 /James T. Moore/)
16 JAMES T. MOORE)
17 Administrative Patent Judge)

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