

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MARK J. **SPATH**, ALBERT C. STONE,
and CARL R. KANGAS
Junior Party
(Patent 6,578,535),

v.

NORBERT **GEYER**, PETER SAILER,
and OLIVER SCHNELL
Senior Party
(Application 10/498,481).

Patent Interference 105,468 (SCM)
(Technology Center 3700)

Before LEE, TORCZON, and MEDLEY, *Administrative Patent Judges.*
MEDLEY, *Administrative Patent Judge.*

Judgment – Bd.R. 127

1 Spath has failed to prove priority of invention (Paper 98).
2 Accordingly, it is
3 ORDERED that judgment be entered against Spath for count 1 (Paper
4 1 at 4);
5 FURTHER ORDERED that claim 16 of Spath's involved patent be
6 CANCELED, 35 U.S.C. 135(a); and
7 FURTHER ORDERED that a copy of this judgment be entered in the
8 administrative records of the involved Spath patent and Geyer application.
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cc (via electronic filing)

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