

Mail Stop Interference
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Filed: May 2, 2007

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

KARL KLAUS CONZELMANN

Junior Party

(U.S. Patent No. 6,033,886),

v.

JIN HONG, PETER PALESE,

AND DAVID K. CLARKE,

Senior Party

(U.S. Application No. 09/724,388).

Patent Interference No. 105,503 (MPT)

(Technology Center 1600)

1 Before: JAMESON LEE, SALLY C. MEDLEY, and MICHAEL P. TIERNEY,
2 *Administrative Patent Judges.*
3 TIERNEY, *Administrative Patent Judge.*

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

7 Hong has filed a request for adverse judgment as to Count 1, the sole count
8 in interference. (Paper 41). Accordingly, judgment on priority is entered against
9 Hong as to Count 1.

10 No motions remain in the interference. Specifically, three Hong motions
11 and one Conzelmann motion were filed in the interference. Hong Motion 1, which
12 requested that Conzelmann claim 5 be designated as corresponding to Count 1 was

1 dismissed as moot. (Paper 42). Hong Motion 2, which requested that Conzelmann
2 claims 1, 3, 5, 8 and 12 be held unpatentable under 35 U.S.C. § 102(a) was also
3 dismissed as moot. (Paper 37, p. 6). Hong Motion 3, which requested that all of
4 Conzelmann's claims be held unpatentable under 35 U.S.C. § 102(a) was granted-
5 in-part with respect to the extent it requested that Conzelmann claim 9 be held
6 unpatentable and dismissed with respect to Conzelmann claims 1, 3, 5, 8, and 12.
7 (Paper 37, p. 7). Conzelmann Motion 1, which requested that all of Hong's claims
8 be held unpatentable under 35 U.S.C. § 135(b)(1) was dismissed as moot. (Paper
9 42).

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11 It is:

12 **Ordered** that judgment on priority as to Count 1, the sole count in
13 interference (Redeclaration, Paper 19, p. 2), is awarded against Hong.

14 **Further Ordered** that Hong is not entitled to a patent containing claims 7-
15 10, 12, 17, 18, 20 and 22 of U.S. Application 09/724,388, all of which correspond
16 to Count 1.

17 **Further Ordered** that Conzelmann is not entitled to a patent containing
18 claim 9. (Paper 37, p. 7, ll. 2-11, granting Hong Motion 3 with respect to claim 9).

19 **Further Ordered** that a copy of this paper shall be made of record in the
20 files of Hong, U.S. Application 09/724,388 and Conzelmann, U.S. Patent
21 6,033,886.

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

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