

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GHOLAM-REZA ZADNO-AZIZI

Junior Party
(Application 09/790,220)¹

v.

ROSS S. TSUGITA,
and JOHN McKENZIE

Junior Party
(Patent No. 6,027,520)²

Patent Interference No. 105,517
(Technology Center 3700)

Before McKELVEY, *Senior Administrative Patent Judge*, and LEE and MOORE,
Administrative Patent Judges.

LEE, *Administrative Patent Judge*.

Judgment -- Merits -- Bd. Rule 127

¹ Filed on February 21, 2001. The real party in interest is Medtronic Vascular, Inc.

² Based on Application 09/287,217, filed April 5, 1999. Accorded the benefit of Application 09/022,510, filed February 12, 1998; Application 08/852,867, filed May 8, 1997. The real party in interest is Boston Scientific Scimed Inc.

1 Junior party Zadno-Azizi's motion for judgment based on priority of
2 invention has been dismissed. (Paper 130). Senior party Tsugita is now entitled to
3 entry of favorable judgment.³ It is

4 **ORDERED** that judgment on priority as to the subject matter of
5 Count 1 is herein entered against junior party GHOLAM-REZA ZADNO-AZIZI;

6 **FURTHER ORDERED** that claims 1, 3, 5-7, 9-11, 18-20, 22, 23,
7 and 25-59 of junior party GHOLAM-REZA ZADNO-AZIZI's involved
8 application, which correspond to Count 1, are finally refused;

9 **FURTHER ORDERED** that Tsugita's Substantive Motion 2 seeking
10 to designate its claim 2 as not corresponding to the count, which was deferred to
11 the priority stage of the proceeding (Paper 98), is **dismissed** as moot;

12 **FURTHER ORDERED** that Zadno-Azizi's Miscellaneous Motion 3
13 to strike Tsugita's Reply 2 and Exhibit 2025 relied on in Tsugita's Reply 2, which
14 was also deferred to the priority stage of the proceeding (Paper 98), is also
15 **dismissed** as moot;

16 **FURTHER ORDERED** that if there is a settlement agreement, the
17 parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

18 **FURTHER ORDERED** that a copy of this judgment be placed in the
19 respective involved application and patent of the parties.
20

³ Tsugita's Motion 6 to correct inventorship has been granted in a separate paper and this interference has been re-declared to reflect that Ross S. Tsugita and John McKenzie are the inventors for Tsugita's involved application.

Interference 105,517
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