

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MICHAEL **SIMON** and ANDRE J. SKALINA

Junior Party
(Application 10/864,527)¹

v.

ANDRE J. **SKALINA**

Senior Party
(Patent 7,015,948)²

Patent Interference No. 105,585 (JL)
(Technology Center 2600)

Before LEE, MEDLEY and MOORE, Administrative Patent Judges.
LEE, Administrative Patent Judge.

1 **Judgment -- Request for Adverse -- Bd. R. 127(b)**

2 This interference was declared on October 30, 2007, to resolve an
3 inventorship dispute between the parties. (Paper 1). There are Counts 1-
4 29. As re-declared on December 13, 2007 (Paper 20), Simon needs to
5 prevail on only one count to render all of Skalina's claims unpatentable

1 Filed June 10, 2004. The real party interest is Rohde & Schwarz, Inc.

2 Based on Application 10/116,112, filed April 5, 2002. The real party in interest is
SPX Corporation.

1 under 35 U.S.C. § 102(f). On April 23, 2008, Skalina filed an amended
2 request for entry of judgment with respect to each of Counts 1-29 (Paper
3 31), which replaced a previous request for entry of judgment dated April 22,
4 2008 (Paper 30). It is now time appropriate to enter judgment in this
5 interference.

6 It is

7 **ORDERED** that Skalina's amended request for entry of adverse
8 judgment (Paper 31) with respect to each of Counts 1-29 is herein
9 **granted**;

10 **FURTHER ORDERED** that senior party ANDRE J. SKALINA is not
11 entitled to a patent containing its involved patents claims 1-29 which
12 correspond to each of Counts 1-29;

13 **FURTHER ORDERED** that patent claims 1-29 of senior party ANDRE
14 J. SKALINA's involved Patent 7,015,948, are herein **cancelled**;

15 **FURTHER ORDERED** that Simon's pending motion for judgment
16 against Skalina's claims 1-29 under 35 U.S.C. § 102(f) is moot and herein
17 **dismissed**;

18 **FURTHER ORDERED** that if there is a settlement agreement, the
19 parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule
20 205; and

21 **FURTHER ORDERED** that a copy of this judgment be placed in the
22 respective involved application or patent of the parties.

