

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 22
Filed: 26 June 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BENJAMIN M. GALKIN
Junior Party
(Patents 6,850,590),

v.

**GAIL LEBOVIC, GEORGE D. HERMANN,
DAVID WILLIS and THOMAS A. HOWELL**
Senior Party
(Application 10/946,044).

Patent Interference No. 105,597 (SCM)
(Technology Center 2800)

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

Judgment – Bd.R. 127

1
2
3 A conference call was held on 26 June 2008 at approximately 2:00 p.m.
4 involving counsel for the respective parties and the administrative patent judge

1 designated to handle the interference. Counsel for Galkin represented that Galkin
2 concedes priority of the contested subject matter. A concession of priority is
3 construed as a request for adverse judgment. Bd. R. 127(b)(3). Galkin's request is
4 granted.

5 Accordingly, it is—

6
7 ORDERED that judgment be entered against Galkin for count 1 (Paper 1 at
8 4);

9
10 FURTHER ORDERED that claims 23, 28 and 29 of Galkin's involved patent
11 are CANCELED, 35 U.S.C. 135(a); and

12
13 FURTHER ORDERED that a copy of this judgment be entered in the
14 administrative records of the involved Galkin patent and Lebovic application.
15

cc (via electronic mail):

Attorney for GALKIN:

Joseph Lucci, Esq.
WOODCOCK WASHBURN LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891
Email: lucci@woodcock.com
Email: svalla@woodcock.com

Attorney for LEBOVIC:
William A. English, Esq.
VISTA IP LAW GROUP LLP
2040 Main Street, 9th Floor
Irvine, CA 92614
Email: wae@viplawgroup.com