

The opinion in support of the decision being entered today is not binding precedent of the Board.

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Paper No. 42

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM E. HEWLETT

Junior Party
(Patent No. 5,426,576)¹

v.

JAMES M. BORNHORST, TIMOTHY D. STACY
and RICHARD W. HUTTON

Senior Party
(Application 08/544,759)²

Patent Interference No. 104,555

Before LEE, SPIEGEL and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

MEMORANDUM OPINION AND JUDGMENT

On April 16, 2002, junior party filed a paper entitled "MOTION TO CONCEDE PRIORITY OF THE COUNT," in which it is stated:

¹ Based on Application 08/051,373, filed April 23, 1993. The real party in interest is Light and Sound Design Ltd. of Birmingham, England.

² Filed October 18, 1995. Accorded the benefit of Application 07/693,366, filed April 30, 1991, now Patent No. 5,282,121. The real party in interest is Vari-Lite, Inc.

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"Junior party Hewlett hereby concedes priority of the count to Senior Party Bornhorst" (Paper No. 36).

The motion for entry of adverse judgment is **granted**.

It is

ORDERED that judgment as to the subject matter of the sole count, Count 1, is awarded against junior party WILLIAM E. HEWLETT;

FURTHER ORDERED that junior party WILLIAM E. HEWLETT is not entitled to its patent claims 1-4, 7, 8, 11, 12, 15, 16, 18, 20-24, and 26-28 which correspond to the count;

FURTHER ORDERED that a copy of this paper will be given a paper number and entered in the involved application or patent of the respective parties; and

FURTHER ORDERED that the parties are on notice that failure to file a copy of any agreement regarding the termination of this proceeding may render the agreement and any resulting patents unenforceable (35 U.S.C. § 135(c) and 37 CFR § 1.661).

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_____)	
Jameson Lee)	
Administrative Patent Judge))	
)	
)	
)	BOARD OF PATENT
_____)	APPEALS
Carol A. Spiegel)	AND
Administrative Patent Judge))	INTERFERENCES
)	
)	
)	
_____)	
Sally C. Medley)	
Administrative Patent Judge))	

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