

The opinion in support of the decision being entered today is not binding precedent of the Board

Filed by: Trial Section Motions Panel
Administrative Patent Judge
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Paper No. ~~78~~ 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

YAKOV BELOPOLSKY

Junior Party
(Patent 5,599,209),

v.

ANILA PATEL

Senior Party
(Application 09/014,439).

MAILED

SEP 19 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 104,590

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

JUDGMENT PURSUANT TO 37 CFR § 1.662

On 17 September 2002, the Board received a paper entitled "REQUEST FOR ENTRY OF ADVERSE JUDGMENT UNDER 37 CFR § 1.662" (Paper 78), in which Belopolsky requests entry of adverse judgment.

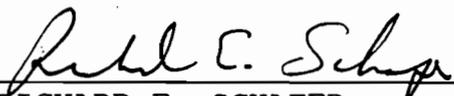
Upon consideration of Belopolsky's request for adverse judgment of its involved patent, it is

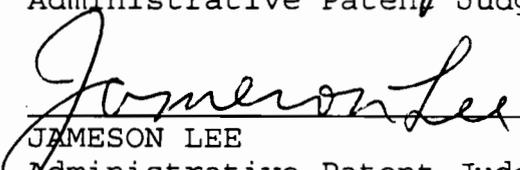
ORDERED that judgment on priority as to Count 1 (Paper 1 at 49) is awarded against junior party YAKOV BELOPOLSKY.

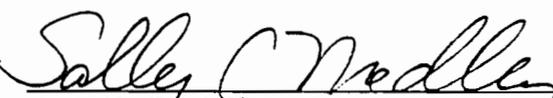
FURTHER ORDERED that junior party YAKOV BELOPOLSKY is not entitled to a patent containing claims 1-11 and 17-20 (corresponding to Count 1) of U.S. Patent 5,599,209.

FURTHER ORDERED that a copy of this paper shall be made of record in filed of application 09/014,439 and U.S. Patent 5,599,209.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135[©] and 37 CFR § 1.661.


_____)
RICHARD E. SCHAFER)
Administrative Patent Judge)


_____) BOARD OF PATENT)
JAMESON LEE) APPEALS AND)
Administrative Patent Judge) INTERFERENCES)


_____)
SALLY C. MEDLEY)
Administrative Patent Judge)

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