

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 87

Filed by: Interference Trial Section Motions Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

VALERY DUBIN and TAKESHI NOGAMI,

Junior Party,
(Patent 5,882,498),

v.

THOMAS RITZDORF and JEFFREY TURNER,

Senior Party,
(Application 09/525,930).

Patent Interference No. 104,642

Before: SCHAFER, GARDNER-LANE and TIERNEY, Administrative Patent Judges.

JUDGMENT UNDER 37 CFR § 1.662(a)

SCHAFER, Administrative Patent Judge.

Dubin has filed a concession of priority. Paper 86. Pursuant to 37 CFR § 1.662(a), a concession of priority is treated as a request for adverse judgment as to all claims corresponding to the count. Accordingly, judgment is awarded against Dubin. Dubin is not entitled to a patent on claims 1-3 and 6-10 of Patent 5,882,498, corresponding to Count 1 (Paper 58).

A copy of this decision shall be placed in the files of Application 09/525,930 and Patent 5,882,498.

_____)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
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_____)	BOARD OF PATENT
SALLY GARDNER-LANE)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
MICHAEL P. TIERNEY)	
Administrative Patent Judge)	

cc (via FAX):

Attorney for DUBIN:

Kenneth L. Cage, Esq.
McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, D.C. 20005-3096

Tel: 202-756-8000
Fax: 202-756-8087

Attorney for RITZDORF:

Keith V. Rockey, Esq.
BELL, BOYD AND LLOYD LLC
70 West Madison St.
Suite 3000
Chicago, IL 60602-4207

Tel: 312-372-1121
Fax: 312-827-2496