

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 28

Filed by: Trial Section Motions Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RICHARD P. HAUGLAND and WOJCIECH SZALECKI
Junior Party,
(Application 09/129,015),

v.

CLARENCE N. AHLEM and STEVEN M. TORKELSON
Senior Party
(Patent 5,955,612).

Patent Interference No. 104,669

Before: SCHAFFER, MEDLEY and TIERNEY, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

JUDGEMENT

(Pursuant to 37 CFR § 1.662)

Senior Party Ahlem et al. has conceded priority to the count and requested adverse judgement. (Paper No. 27). Upon consideration of the record, it is:

ORDERED that judgment on priority as to Count 1 and Count 2 (Notice Declaring Interference, Paper No. 1, pages 5-6), is awarded *against* Senior Party Ahlem et al.

FURTHER ORDERED that Senior Party Ahlem et al. is not entitled to a patent containing claims 1-2 and 4-5 of Ahlem et al., U.S. Patent No. 5,955,612.

FURTHER ORDERED that a copy of this final decision shall be placed and given a paper number in the file of Haugland et al., U.S. Application No. 09/129,015 and Ahlem et al., U.S. Patent No. 5,955,612.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.¹

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| RICHARD E. SCHAFER |) | |
| Administrative Patent Judge |) | |
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| |) | BOARD OF PATENT |
| SALLY C. MEDLEY |) | APPEALS |
| Administrative Patent Judge |) | AND |
| |) | INTERFERENCES |
| |) | |
| |) | |
| MICHAEL P. TIERNEY |) | |
| Administrative Patent Judge |) | |

¹We note that a Settlement Agreement was filed with the Board. (Paper No. 19). The Board does not review the Settlement Agreement for purposes of compliance with 35 U.S.C. § 135(c). Specifically, it is the parties responsibility to ensure that the provisions of 35 U.S.C. § 135(c) have been complied with.

cc: (via Facsimile)

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