

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today is not binding precedent of the Board

Paper No. 20

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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RODNEY C. PERKINS,  
Junior Party,  
(Patent 5,454,782),

v.

STUART D. EDWARDS, RONALD G. LAX,  
INGEMAR H. LUNDQUIST and HUGH R. SHARKEY,

Senior Party,  
(Application 08/723,588).

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Patent Interference No. 104,726

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Before LEE, GARDNER-LANE and MEDLEY, Administrative Patent  
Judges.

MEDLEY, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Vidamed, Inc., the common assignee of the involved patent  
and the involved application, was ordered to show cause why  
adverse judgment as to the subject matter of the count should not  
be entered against junior party Perkins (Paper 18). No response  
was made by the due time.

On May 10, 2002, board personnel Sonja Desperтт spoke with Mr. Roberts, counsel for Edwards (Vidamed, Inc.) to inquire whether Vidamed, Inc. would respond to the ORDER TO SHOW CAUSE. Mr. Roberts indicated that Vidamed, Inc. would not respond to the ORDER TO SHOW CAUSE.

Upon consideration of the record, it is ORDERED that judgment on priority as to Count 1 (Paper 1 at 5), the sole count in the interference, is awarded against junior party Rodney C. Perkins.

FURTHER ORDERED that junior party Rodney C. Perkins is not entitled to a patent containing claims 1-18 (corresponding to Count 1) of U.S. Patent 5,454,782.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/723,588 and U.S. Patent 5,454,782.

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

<u>JAMESON LEE</u>	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
<u>SALLY GARDNER-LANE</u>	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
<u>SALLY C. MEDLEY</u>	)	
Administrative Patent Judge	)	

cc (via federal express):

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