

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
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Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TIM KINGSTON,

Junior Party,
(Patent 6,090,006)¹

v.

ULRICH SOLKA,

Senior Party,
(Application 09/403,423)²

Patent Interference No. 105,008

Judgment

On October 21, 2002, senior party Solka filed a paper titled “REQUEST FOR ENTRY OF ADVERSE JUDGMENT” (Paper No. 20), requesting entry of adverse judgment against the senior party. The request is **granted**. It is

¹ Based on application 09/269,030, filed March 18, 1999. The real party in interest is Volvo Construction Equipment Components AB.

² Filed October 20, 1999. The real party in interest is ZF Friedrichshafen AG. Accorded the benefit of German Patent 19718744.7, filed May 2, 1997.

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ORDERED that judgment as to the subject matter of the count is hereby entered against senior party ULRICH SOLKA;

FURTHER ORDERED that senior party ULRICH SOLKA is not entitled to its application claim 40 which corresponds to the count; and

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

_____)	
Jameson Lee)	
Administrative Patent Judge)	
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_____)	BOARD OF PATENT
Richard Torczon)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
_____)	
Mark Nagumo)	
Administrative Patent Judge)	

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By Facsimile

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