

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AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450, Alexandria, Virginia 22313-1450
Tel: 703-308-9797 Fax: 703-305-0942

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FRANK INGLE, GARRY CARTER
and MICHAEL D. LAUFER
Junior Party,
(Patent 6,091,995)¹

v.

NIGEL MARK GOBLE and COLIN C.O. GOBLE
Senior Party
(Application 09,521,218)²

Patent Interference No. 105,121

Before SCHAFFER, LEE and LANE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

¹ Based on Application 08/910,370, filed August 13, 1997. The real party in interest is SURx, Inc. Accorded the benefit of Application 08/748,527, filed November 8, 1996; and Application 08/862,875, filed May 23, 1997.

² Filed March 8, 2000. The real party in interest is Gyrus Medical Limited. Accorded the benefit of Application 09/198,396, filed November 24, 1998; and Application 08/701,811, filed August 21, 1996.

Interference No. 105,121
Ingle v. Goble

This interference was declared on June 20, 2003. On October 14, 2003, senior party Goble filed a request for entry of adverse judgment. The request is **GRANTED**.

No preliminary motion or preliminary statement has been filed. It is

ORDERED that judgment as to the subject matter of Count 1 is hereby entered against the senior party NIGEL MARK GOBLE and COLIN C.O. GOBLE;

FURTHER ORDERED that judgment as to the subject matter of Count 2 is hereby entered against the senior party NIGEL MARK GOBLE and COLIN C.O. GOBLE;

FURTHER ORDERED that judgment as to the subject matter of Count 3 is hereby entered against the senior party NIGEL MARK GOBLE and COLIN C.O. GOBLE;

FURTHER ORDERED that senior party NIGEL MARK GOBLE and COLIN C.O. GOBLE is not entitled to its application claims 56, 62, and 65 which correspond to Count 1;

FURTHER ORDERED that senior party NIGEL MARK GOBLE and COLIN C.O. GOBLE is not entitled to its application claim 66 which corresponds to Count 2;

FURTHER ORDERED that senior party NIGEL MARK GOBLE and COLIN C.O. GOBLE is not entitled to its application claim 68 which corresponds to Count 3;

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.

Interference No. 105,121
Ingle v. Goble

By Facsimile

Attorney for junior party Ingle:

415-576-0300 (Fax)
Mark D. Barrish, Esq..
TOWNSEND & TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

Attorney for senior party Goble:

703-816-4100 (Fax)
Robert A. Molan, Esq..
NIXON & VANDERHYE P.C.
1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Arlington, Va 22209