

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 29

Filed by: Trial Section Merits Panel
Mail Stop Interference
P. O. Box 1450
Alexandria, VA 22313-1450
Tel: 703-308-9797
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN GOODCHILD

Junior Party,
(Patent 6,204,027),

v.

NASSIM USMAN,
ROBERT J. CEDERGREN, JEAN-PIERRE PERREAULT,
JING-HUA YANG, and ALEXANDER RICH

Senior Party,
(Application 10/102,094).

Patent Interference No. 105,126

Before: TORCZON, SPIEGEL, and LANE, Administrative Patent Judges.

LANE, Administrative Patent Judge.

JUDGMENT-RULE 640

Goodchild has not responded to the order to show cause why judgment should not be entered against it within the time set. (Paper 28). Accordingly, it is appropriate to enter

judgment against Goodchild. 37 CFR § 1.640(e).

Upon consideration of the record and for reasons given, it is

ORDERED that judgment on priority is entered against junior party JOHN GOODCHILD;

FURTHER ORDERED that junior party JOHN GOODCHILD is not entitled to a patent containing claims 3 through 16 of it's 6,204,027 patent which correspond to the sole count in the interference;

FURTHER ORDERED that, if there is a settlement agreement, the parties' attention is directed to 35 USC § 135(c) and 37 CFR § 1.661; and

FURTHER ORDERED that a copy of this judgment be given a paper number and be entered into the administrative record of patent 6,204,027 and application 10/102,094.

| | | |
|-----------------------------|---|-----------------|
| _____ |) | |
| RICHARD TORCZON |) | |
| Administrative Patent Judge |) | |
| |) | |
| |) | |
| |) | BOARD OF PATENT |
| _____ |) | APPEALS AND |
| CAROL A. SPIEGEL |) | INTERFERENCES |
| Administrative Patent Judge |) | |
| |) | |
| |) | |
| |) | |
| _____ |) | |
| SALLY GARDNER LANE |) | |
| Administrative Patent Judge |) | |

cc (via facsimile and first class mail):

Attorney for Goodchild (real party in interest: University of Massachusetts Worcester):

Michael Sofocleous, Esq.
Law Offices of Michael Sofocleous
3975 University Drive, Suite 330
Fairfax, VA 22030

Fax: 703-246-9646

Attorney for Usman real party in interest: the University of Montreal and the Massachusetts Institute of Technology):

James F. Haley, Jr., Esq.
FISH & NEAVE
1251 Avenue of the Americas
50th Floor
New York, NY 10020-1105

Fax: 212-596-9090