

Filed by: Motions Panel  
Interference Trial Section  
Board of Patent Appeals and Interferences  
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Filed:  
December 22, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PILKINGTON NORTH AMERICA, INC.  
Junior Party,  
(U.S. Patent Application No. 09/942,763)

v.

PPG INDUSTRIES OHIO, INC.  
Senior Party,  
(U.S. Patent No. 6,114,264)

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Patent Interference No. **105,147** (JTM)

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Before McKELVEY, Senior Administrative Patent Judge, TORCZON and MOORE,  
Administrative Patent Judges.

MOORE, Administrative Patent Judge.

**JUDGMENT – Rule 127 (b) (3)**

Further to an executed settlement agreement (Paper 38) PPG has filed a Request for Adverse Judgment (Paper 46). Upon consideration of the Request for Adverse Judgment (Paper 46), it is hereby:

**ORDERED** that judgment on priority as to Count 1 (Paper 1, page 5), the only count in the interference, is awarded against senior party PPG Industries Ohio, Inc.; i.e. John F. Krumwiede; Anthony V. Longobardo; and Larry J. Shelestak.

**FURTHER ORDERED** that senior party PPG Industries Ohio, Inc.; i.e. John F. Krumwiede; Anthony V. Longobardo; and Larry J. Shelestak, is not entitled to a patent containing claims 1-35 (corresponding to Count 1) of patent 6,114,264.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/942,763 and patent 6,114,264.

**FURTHER ORDERED** that the PPG Preliminary Statement (Paper 41) be returned, unopened, to party PPG.

**FURTHER ORDERED** that the Pilkington Preliminary Statement (Paper 42) be returned, unopened, to party Pilkington.

**FURTHER ORDERED** that Pilkington's Submission of Proofs (Paper 47) be filed with the executed Settlement Agreement (Paper 38).

\_\_\_\_\_)  
**FRED E. McKELVEY** )  
Senior Administrative Patent Judge )  
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 )  
\_\_\_\_\_) **BOARD OF PATENT**  
**RICHARD TORCZON** ) **APPEALS**  
Administrative Patent Judge ) **AND**  
 ) **INTERFERENCES**  
 )  
\_\_\_\_\_)  
**JAMES T. MOORE** )  
Administrative Patent Judge )

**December 22, 2004**  
**Alexandria, VA**

cc: (via Fax and First Class Mail):

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