

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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**ADISSEO IRELAND LTD.**  
(US 6,221,909 B1),  
Junior Party,

v.

**NOVUS INTERNATIONAL, INC.**  
(09/990,677),  
Senior Party.

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Interference No. 105,154

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Before TORCZON, SPIEGEL, and MOORE, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

**JUDGMENT**  
(PURSUANT TO 37 CFR § 1.662(a))

INTRODUCTION

On 25 November 2003, Adisseo Ireland filed a concession of priority (Paper 15) for Count 1, the sole count (Paper 1 at 4). Novus International initiated a telephone conference on the same day at about 11 a.m. (Eastern) involving Liza Hohenschutz for Adisseo Ireland, John Roedel for Novus International, and Richard Torczon for the Board of Patent Appeals and Interferences. The parties advised that they would be filing a settlement agreement shortly, as required under 35 U.S.C. 135(c). They were advised that this interference will be deemed "terminated" for the purposes of §135(c) when the time for appeal expires, i.e., two months after entry of this judgment.

35 U.S.C. 142; 37 C.F.R. §§1.304 and 1.661.

ORDER

Upon consideration of Adisseo Ireland's concession of priority (Paper 15), it is:

ORDERED that judgment on priority as to Count 1 is awarded against junior party Adisseo Ireland;

FURTHER ORDERED that junior party Adisseo Ireland is not entitled to a patent containing claims 1-6 of Adisseo Ireland US 6,221,909 patent, which correspond to Count 1;

FURTHER ORDERED that, based on the record before us, senior party Novus International, is entitled to a patent containing claims 1-6 of Novus International's 09/990,677 application, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be entered in the administrative record of Adisseo Ireland US 6,221,909 B1 patent and of Novus International's 09/990,677 application.

RICHARD TORCZON  
Administrative Patent Judge

CAROL A. SPIEGEL  
Administrative Patent Judge

JAMES T. MOORE  
Administrative Patent Judge

BOARD OF  
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INTERFERENCE  
TRIAL SECTION

cc (electronic mail):

Counsel for Adisseo Ireland Ltd.: **Liza D. Hohenschutz** and **Ashley I. Pezzner** of  
CONNOLLY BOVE LODGE & HUTZ LLP.

Counsel for Novus International, Inc.: **John K. Roedel, Jr.** and **Robert M. Evans** of  
SENNIGER, POWERS, LEAVITT & ROEDEL.

**Notice:** Any agreement or understanding between parties to this interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the United States Patent and Trademark Office before termination of the interference as between said parties to the agreement or understanding. 35 U.S.C. 135(c); 37 C.F.R. § 1.661.