

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 31

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ALAIN E. **KALOYEROS** and BARRY C. ARKLES,

Junior Party,
(Patent 6,139,922),

v.

JOHN J. **HAUTALA** and JOHANNES F.M. WESTENDORP,

Senior Party,
(Application 09/911,913).

Patent Interference No. 105,161

Before: McKELVEY, Senior Administrative Patent Judge, and SCHAFFER and POTEATE, Administrative Patent Judges.

POTEATE, Administrative Patent Judge.

JUDGMENT—RULE 127

On November 16, 2004, the Board received from junior party Kaloyeros a Request for Adverse Judgment as to Count 1 (Paper 29), the sole count in the interference, and a Joint Submission of Settlement Agreement Pursuant to 37 C.F.R. § 41.205(a). Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 5) is awarded against junior party KALOYEROS.

FURTHER ORDERED that junior party KALOYEROS is not entitled to claims 1-19 and claims 23-25 of U.S. Patent No. 6,139,922, which correspond to Count 1.

FURTHER ORDERED that claims 20-22 and claims 26-30 of U.S. Patent No. 6,139,922, which have not been designated as corresponding to Count 1, are not subject to this judgment.

FURTHER ORDERED that a copy of this paper shall be made of record in files of U.S. Patent 6,139,922 and Application 09/911,913.

FURTHER ORDERED that the settlement agreement be kept separate from the interference file pursuant to 37 C.F.R. § 41.205(c), attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

FRED E. McKELVEY)
Senior Administrative Patent Judge)
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RICHARD E. SCHAFER)
Administrative Patent Judge)
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)
LINDA R. POTEATE)
Administrative Patent Judge)

BOARD OF
PATENT APPEALS
AND
INTERFERENCES

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