

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 53

Filed by: Trial Section Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

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4 February 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally Gardner Lane)

CAROL A. WESTBROOK
Junior Party,
(Patent 6,025,126),

v.

JOE W. GRAY,
DANIEL PINKEL, and DOUGLAS TKACHUK
Senior Party,
(Application 09/765,207).

Patent Interference No. 105,207

Before SCHAFFER, LANE, and MEDLEY, Administrative Patent Judges.

LANE, Administrative Patent Judge.

JUDGMENT-Request for Adverse - Bd.R. 127(b)

Westbrook has filed a paper requesting that judgment be entered against it as to the

Westbrook claims that remain designated as corresponding to the count. (Paper 50 at 2).

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

ORDERED that judgment on priority is entered against junior party CAROL A. WESTBROOK;

FURTHER ORDERED that CAROL A. WESTBROOK is not entitled to a patent containing claims 1 through 25 of US patent 6,025,126, which claims correspond to count 1, the sole count in the interference; and

FURTHER ORDERED that a copy of this judgment shall be entered into the administrative records of Westbrook's 6,025,126 patent and Gray's 09/765,207 application.

_____)	
RICHARD E. SCHAFER)	
Senior Administrative Patent Judge)	
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)	
_____)	BOARD OF PATENT
SALLY GARDNER LANE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
_____)	
SALLY C. MEDLEY)	
Administrative Patent Judge)	

cc (via electronic):

Attorney for Westbrook (real party in interest: Ventana Medical Systems, Inc.):

Jorge A. Goldstein, Esq.
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

Tel: 202-371-2600
Fax: 202-371-2540
E-mail: JGOLD@SKGF.COM

Attorney for Gray:

Oliver R. Ashe, Jr., Esq.
GREENBLUM & BERNSTEIN, PLC
1950 Roland Clarke Place
Reston, VA 20191

Tel: 703-716-1191
Fax: 703-716-1180
E-mail: oashe@gbpatent.com