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Filed :  
September 16, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge James T. Moore)

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David M. Armistead  
Junior Party  
(Patent 6,124,328)

v.

Joseph P. Steiner  
and  
Gregory S. Hamilton  
Senior Party  
(Application 09/873,298).

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Patent Interference No. 105,274

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**Before: Schafer, Tierney, and Moore, Administrative Patent Judges.**

**Moore, Administrative Patent Judge.**

**JUDGMENT-Bd. R. 127(b)**

Steiner has filed Paper 28, a Request for Adverse Judgment as to count 1,  
the only count of this interference.

Upon consideration of the Request for Adverse Judgment, it is hereby:

**ORDERED** that judgment on priority as to Count 1 (Paper 21, page 3) is awarded against senior party Joseph P. Steiner and Gregory S. Hamilton.

**FURTHER ORDERED** that senior party Joseph P. Steiner and Gregory S. Hamilton is not entitled to a patent containing claims 41, 42, 44, 45, and 49 (corresponding to Count 1) of application 09/873,298.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/873,298 and patent 6,124,328.

**FURTHER ORDERED** that as the parties have stated that there is a settlement agreement, the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666].

<u>/Richard E. Schafer/</u>	)	
RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
	)	
<u>/Michael P. Tierney/</u>	)	BOARD OF PATENT
MICHAEL P. TIERNEY	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
<u>/James T. Moore/</u>	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

September 16, 2005  
Alexandria, VA

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