

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
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RANDAL D. ROEBUCK  
and SALVATORE P. RIZZO  
Junior Party<sup>1</sup>

V.

Fariborz Agahdel, Brad Griswold  
Syed Husain, Robert Moti,  
William C. Robinette, Jr.,  
and Chung W. Ho  
Senior Party<sup>2</sup>

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Interference No. 103,796  
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SUMMARY JUDGMENT  
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Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judges.

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<sup>1</sup> Patent No. 5,397,245, granted March 14, 1995, based on Application 08/146,726, filed October 29, 1993. Assignor to Medtronic, Inc., a Corp. of MN.

<sup>2</sup> Application 08/542,685, filed October 12, 1995. Accorded benefit of Application 08/408,048, filed March 21, 1995, and 07/979,719, filed November 20, 1992, now U.S. Patent No. 5,402,077, granted March 28, 1995. Assignor to MicroModule Systems, Inc.

Roebuck et al., the junior party, has filed a concession of priority, which, pursuant to 37 CFR ' 1.662(a), is

Interference No. 103,796

treated as a request for entry of an adverse judgment as to all claims which correspond to the count.

Accordingly, judgment as to the subject matter of count 1, the sole count, is hereby awarded to Fariborz Agahdel, Brad Griswold, Syed Husain, Robert Moti, William C. Robinette, Jr. and Chung W. Ho, the senior party. Roebuck et al. is not entitled to its patent containing claims 1-6, 10 and 12 corresponding to the count.

STANELY M. URYNOWICZ, JR. )  
Administrative Patent Judge)

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MICHAEL SOFOCLEOUS )  
Administrative Patent Judge)

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

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)

MARY F. DOWNEY )

Administrative Patent Judge)

Interference No. 103,796

W. James Brady, III  
Texas Instruments Incorp.  
P.O. Box 655474  
M.S. 219  
Dallas, TX 75265

David L. Feigenbaum  
Fish & Richardson, P.C.  
225 Franklin Street  
Boston, MA 02110-2804