

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 21

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CAMILO COLACO and BRUCE JOSEPH ROSER,

Junior Party,
(Patent 5,891,873),

v.

MICHAEL P. VITEK, ANTHONY CERAMI, RICHARD J. BUCALA
PETER C. ULRICH, HELEN VLASSARA
and XINI ZHANG,

Senior Party
(Application 08/477,364).

Patent Interference No. 104,580

Before: McKELVEY, Senior Administrative Patent Judge, and
TORCZON and MEDLEY, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the discussion in the ORDER
REDECLARING INTERFERENCE (Paper 20), it is

ORDERED that judgment on priority as to Count 3 (Paper 20, page 2), the sole count in the interference, is awarded against junior party CAMILO COLACO and BRUCE JOSEPH ROSER.

FURTHER ORDERED that junior party CAMILO COLACO and BRUCE JOSEPH ROSER is not entitled to a patent containing claims 1-2 and 4-6 (corresponding to Count 3) of U.S. Patent 5,891,873, granted 6 April 1999, based on application 08/727,597, filed 16 January 1997.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/447,364 and U.S. Patent 5,891,873.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

_____)	
FRED E. McKELVEY, Senior)	
Administrative Patent Judge)	
)	
)	
_____)	
RICHARD TORCZON)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
_____)	

SALLY C. MEDLEY)
Administrative Patent Judge)

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