

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
and is not binding precedent of the Board**

Paper 17

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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VINCENT L. VAILLANCOURT  
Junior Party,  
(Application 08/811,779),  
v.

LEROY D. GEIST, ROGER P. KAMINSKI  
Senior Party  
(Application 08/766,351).

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Patent Interference No. 104,391

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Before: McKELVEY, Senior Administrative Patent Judge, and SCHAFER and LEE, Administrative Patent Judges.

PER CURIUM.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Vaillancourt has filed a paper titled FILING OF AGREEMENT IN CONNECTION WITH TERMINATION OF THE INTERFERENCE UNDER 35 U.S.C. 135 (Paper 15). The paper states: “Attached is an Agreement effective January 31, 2000 between the senior party and junior party to

terminate interference Number 104, 391 in favor of the junior party, Vaillancourt.” A paper title AGREEMENT is attached. The agreement states in part:

1. The Senior party hereby concedes that as between said parties, the Junior party was the first to reduce the invention of Count 1 to practice and that the evidence of such reduction to practice predated the Senior Party’s filing date.

\* \* \* \* \*

5. The Senior party hereby withdraws from the Interference No. 104,391.

6. Interference No. 104,631 should be dissolved herewith in favor of the Junior Party Vaillancourt.

A telephone conference was held February 14, 2000, at approximately 3:00 p.m. involving:

1. Stephen M. Chin, Esq., counsel for Vaillancourt;
2. Carol Burton, Esq., counsel for Geist; and
3. Richard E. Schafer, Administrative Patent Judge.

At the conference counsel confirmed that the filing of the agreement was to be treated as a request for entry of adverse judgment against the Senior party under 37 CFR § 1.662(a). Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p.31), the sole count in the interference, is awarded against the Senior party, LEROY D. GEIST and ROGER P. KAMINSKI;

FURTHER ORDERED that, judgment on priority as to Count 1 is awarded in favor of Junior party VINCENT L. VAILLANCOURT;

FURTHER ORDERED that Senior party, LEROY D. GEIST and ROGER P. KAMINSKI, is not entitled to a patent containing claims 1-24 (corresponding to Count 1) of Application 08/766,351, filed December 13, 1996;

FURTHER ORDERED that Junior party, VINCENT L. VAILLANCOURT, is entitled to a patent containing claims 1-5 and 7-8, (corresponding to Count 1) of Application 08/811,779, filed March 6, 1996; and

FURTHER ORDERED that a copy of this decision be made of record in application 08/811,779 and in application 08/766,351.

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FRED E. McKELVEY )	
Senior Administrative Patent Judge )	
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RICHARD E. SCHAFER )	APPEALS AND
Administrative Patent Judge )	INTERFERENCES
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JAMESON LEE )	
Administrative Patent Judge )	
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cc (via Fax):

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