

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 43

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GEORGES NATSOULIS and GARY KURTZMAN,

Junior Party
(Patent 5,843,742),

v.

STEPHEN M. WIENER, JOHN A. CHIORINI,
BRIAN SAFER and ROBERT M. KOTIN,

Senior Party,
(Application 08/344,729).

Patent Interference No. 104,437

Before: McKELVEY, Senior Administrative Patent Judge, and GARDNER-LANE and MEDLEY, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the REQUEST FOR ENTRY OF ADVERSE JUDGMENT (Paper 42) filed by Natsoulis, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 46), the sole count in the interference, is awarded against junior party Georges Natsoulis and Gary Kurtzman.

FURTHER ORDERED that junior party Georges Natsoulis and Gary Kurtzman is not entitled to a patent containing claims 1-40 (corresponding to Count 1) of U.S. Patent 5,843,742, granted 1 December 1998, based on application 08/525,835, filed 8 September 1995.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/344,729 and U.S. Patent 5,843,742.

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)	
)	
)	
_____)	
SALLY GARDNER-LANE)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
_____)	
SALLY C. MEDLEY)	
Administrative Patent Judge)	

104,437
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