

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

PETER GLUCKMAN
and KAROLY NIKOLICS
(5,714,460 and 5,861,373),
Junior Party,

v.

MICHAEL E. LEWIS,
JAMES C. KAUER, KEVIN R. SMITH,
KATHLEEN V. CALLISON, and FRANK BALDINO
(09/064,159 and 09/318,001),
Senior Party.

Interference No. 104,553

Before LEE, TORCZON, and NAGUMO, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT

(PURSUANT TO 37 CFR §§ 1.640(e) and 1.662(a))

INTRODUCTION

Gluckman was placed under an order to show cause why judgment should not be entered against it (Papers 112 and 114). Gluckman has responded that it does not intend to take further action necessary to have the motions decision reconsidered at the Board or to have a priority period (Paper 115). Consequently, judgment shall be entered against Gluckman.

ORDER

Upon consideration of Gluckman's RESPONSE TO ORDER TO SHOW CAUSE, it is:

ORDERED that judgment on priority as to Count 1 is awarded against junior party
Gluckman;

FURTHER ORDERED that Gluckman is not entitled to a patent containing claims 1-15
of the Gluckman 5,714,460 patent, which correspond to Count 1;

FURTHER ORDERED that Gluckman is not entitled to a patent containing claim 1 of
the Gluckman 5,861,373 patent, which corresponds to Count 1;

FURTHER ORDERED that the preliminary statements be returned unopened; and

FURTHER ORDERED that a copy of this decision be given a paper number and be
entered in the administrative record of the Gluckman 5,714,460 patent; the Gluckman 5,861,373
patent; the Lewis 09/064,159 application; and the Lewis 09/318,001 application.

JAMESON LEE
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

MARK NAGUMO
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

INTERFERENCE
TRIAL SECTION

cc (first-class mail):

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