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Paper 56

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHARLES E. HART,
RICHARD D. KENAGY, and ALEXANDER CLOWES

Junior Party,
(Patent 5,620,687)

v.

VANITHA RAMAKRISHNAN,
MARIA AMELIA ESCOBEDO, and LARRY J. FRETTO

Senior Party,
(Application 09/003,810).

Patent Interference No. 104,839

Before: LANE, MEDLEY, and TIERNEY, Administrative Patent Judges.

LANE, Administrative Patent Judge.

JUDGMENT-RULE 662

A conference call was held on 3 June 2004. Doreen Trujillo represented junior party Hart and Elizabeth Weimar represented senior party Ramakrishnan. Hart stated that it would not file a brief on the issue of priority and that it did not wish to request reconsideration of the decision denying its preliminary motion 4. (Paper 44). As provided by the interference rules, judgment

may be entered against a junior party that fails to timely file a brief on priority. 37 CFR § 1.656(i). At any rate, we treat Hart's statements during the conference call as a request for adverse judgment under 37 CFR § 1.662(a).

Upon consideration of the record of the interference and for reasons given, it is

ORDERED that judgment on priority is awarded against junior party CHARLES E. HART, RICHARD D. KENAGY, and ALEXANDER CLOWES;

FURTHER ORDERED that junior party CHARLES E. HART, RICHARD D. KENAGY, and ALEXANDER CLOWES is not entitled to a patent containing claims 1-19 of its patent 5,620,687, which claims correspond to count 1, the sole count of the interference;

FURTHER ORDERED that a copy of this judgment be entered into the administrative records of Hart's 5,620,687 patent and Ramakrishnan's 09/003,810 application; and

FURTHER ORDERED that if there is a settlement agreement, the parties are directed to 35 USC § 135(b) and 37 CFR § 1.666(a).

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

cc (via facsimile and first class mail):

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