

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 45

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT T. WOODINGS
Junior Party,
(Patent 6,220,373),

v.

GILBERT R. BROOM
Senior Party,
(Application 09/601,560).

Patent Interference No. 105,049

Before LEE, SPIEGEL, and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of WOODINGS RESPONSE TO ORDER TO SHOW CAUSE (Paper 43) and BROOM REQUEST FOR ADVERSE JUDGMENT (Paper 44), it is

ORDERED that judgment on priority as to Count 2 (Paper 36, page 2), the sole count in the interference, is awarded against senior party GILBERT R. BROOM.

FURTHER ORDERED that senior party GILBERT R. BROOM is not entitled to a patent containing claims 11, 17-19, 21-22, 24-26, and 28-29¹ (corresponding to Count 2) of application 09/601,560.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/601,560 and U.S. Patent 6,220,373.

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

_____)	
JAMESON LEE)	
Administrative Patent Judge)	
)	
)	
_____)	BOARD OF PATENT
CAROL A. SPIEGEL)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
SALLY C. MEDLEY)	
Administrative Patent Judge)	

¹ For claim correspondence, see Redeclaration of Interference (Paper 41).

cc (via facsimile and first class mail):

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