

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

*The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.*

Paper No. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ERIC A. JOHNSON, MICHAEL D. LISS, and FLEMMING B. JENSEN,

Junior Party,<sup>1</sup>

v.

JOHN T. BOATWRIGHT,

Senior Party.<sup>2</sup>

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Patent Interference No. 103,730

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JUDGMENT UNDER 37 CFR 1.662(c)

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Before METZ, PATE, and MARTIN, Administrative Patent Judges.

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<sup>1</sup> Patent No. 5,345,595, issued September 6, 1994, based on Application 07/975,512, filed November 12, 1992. Assigned to Coral Systems, Inc.

<sup>2</sup> Application Serial No. 08/445,576, filed May 22, 1995. Assigned to Xiox Corporation. Accorded the benefit of Application Serial No. 07/856,525, filed March 24, 1992 (now abandoned), with respect to the count.

MARTIN, Administrative Patent Judge.

In the Administrative Patent Judge's order redeclaring the interference (Paper No. 33), the interference was changed from a three-party interference (Johnson, Liss, and Jensen v. Johnson and Liss v. Boatwright) to a two-party interference (Johnson, Liss, and Jensen v. Boatwright) with the following claims corresponding to Count 1, the sole count:

(a) Johnson, Liss, and Jensen -- patent claims 3, 4, 8, and 9; and

(b) Boatwright -- application claims 20-23.

Johnson, Liss, and Jensen have requested the entry of adverse judgment against their claims 3, 4, 8, and 9 pursuant to 37 CFR § 1.662(c) and have also filed a statutory disclaimer with respect to those claims. Accordingly, judgment on priority with respect to the count is hereby entered against those claims, which means Johnson, Liss, and Jensen are not entitled to a patent containing those claims. Judgment on the issue of priority with respect to the count therefore is awarded in favor

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of Boatwright's claims that correspond to the count, i.e.,  
claims 20-23, which means Boatwright is entitled to a patent  
including those claims.

OF  
APPEALS

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ANDREW H. METZ )  
Administrative Patent Judge )  
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 ) BOARD  
 ) PATENT  
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WILLIAM F. PATE, III ) AND  
Administrative Patent Judge ) INTERFERENCES  
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JOHN C. MARTIN )  
Administrative Patent Judge )

Interference No. 103,730

cc:

For Party Johnson, Liss, and Jensen:

Donald W. Muirhead, Esq.  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, MA 02109

For Party Boatwright:

Edward J. Keeling, Esq.  
Townsend, Townsend & Crew, L.L.P.  
Two Embarcadero Center  
San Francisco, CA 94111-3834

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