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Paper 23

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RICHARD WILLIAM COMPANS
and QIZHI YAO

Junior Party,
(Patent 5,969,094),

v.

SHAWN BARNEY,
DENNIS LAMBERT, and
STEPHEN R. PETTEWAY

Senior Party,
(Application 08/474,349).

Patent Interference No. 104,613

Before SCHAFER, GARDNER-LANE, and MEDLEY, Administrative
Patent Judges.

GARDNER-LANE, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Compans has filed a paper entitled "PRIORITY CONCESSION"
(Paper 22). Compans states that it concedes priority with

respect to the count of the interference.

The filing by a party of a concession of priority of the subject matter of a count will be treated as a request for entry of an adverse judgment against the party as to all the party's claims that correspond to the count. 37 CFR §1.662(a).

Upon consideration of the record of the interference, it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party

RICHARD WILLIAM COMPANS and QIZHI YAO;

FURTHER ORDERED that junior party, RICHARD WILLIAM COMPANS and QIZHI YAO, is not entitled to a patent containing claim 4 of patent 5,969,094, which corresponds to Count 1;

FURTHER ORDERED that, if there is a settlement agreement between the parties, the parties are directed to 35 USC §135(c);

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Compan's 08/651,420 application and Barney's 08/474,349 application.

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

cc: (via facsimile and first class mail)

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