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Paper 62

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MICHAEL C. KIEFER,
PABLO D.T. VALENZUELA,
and PHILIP J. BARR,

Junior Party,
(Application 08/315,686),

v.

CRAIG A. DIONNE,
GREGG B. CRUMLEY, MICHAEL C. JAYE
and JOSEPH SCHLESSINGER,

Senior Party,
(Application 08/323,430).

Patent Interference No. 103,832

Before McKELVEY, Senior Administrative Patent Judge, GARDNER-LANE and
MEDLEY, Administrative Patent Judges.

GARDNER-LANE, Administrative Patent Judge.

JUDGEMENT PURSUANT TO 37 CFR § 1.662

A. Discussion

On 12 July 2000 at approximately 1:30 pm a conference call was held involving:

- (1) Joseph Posillico and Patrick Kelly for party Dionne;
- (2) Lisa Hemmendinger for party Kiefer;
- (3) Fred E. McKelvey, Senior Administrative Patent Judge; and
- (4) Sally Gardner-Lane, Administrative Patent Judge.

During the conference call the parties advised that a settlement agreement had been reached and indicated that, pursuant to the agreement, Kiefer intends to ask that adverse judgement be entered against it.

In view of the record, it is appropriate to enter judgement against Kiefer at this time.

B. ORDER

Upon consideration of the record, it is

ORDERED that the paper filed by Kiefer styled "ORDER RE EXTENSION OF TIME" (Paper 61) is treated as a request for an extension of time and is DISMISSED as moot.

FURTHER ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party MICHAEL C. KIEFER, PABLO D.T. VALENZUELA, and PHILIP J. BARR.

FURTHER ORDERED that junior party MICHAEL C. KIEFER, PABLO D.T. VALENZUELA, and PHILIP J. BARR, are not entitled to a patent containing claims 26 and 27 of US application 08/315,686, filed 30 September 1994.

FURTHER ORDERED that since there appears to be a settlement agreement between the parties, attention is directed to 35 USC § 135(c) and 37 CFR § 1.661.

FRED E. McKELVEY, Senior)
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 Federal Express):

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