

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 54

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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VICTOR BRONSZTEIN,

Junior Party,  
(Patent 5,766,520),

v.

BRUCE ROSER and ENDA MARTIN GRIBBON,

Senior Party  
(Application 08/923,783).

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Patent Interference 104,727 (McK)

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**MEMORANDUM OPINION and ORDER  
(Decision denying Bronshtein Preliminary Motion 1)**

**A. Introduction**

Bronshtein Preliminary Motion 1 (Paper 22) seeks entry of judgment of no interference-in-fact. 37 CFR § 1.633(b).

Contingent on Bronshtein Preliminary Motion 1 being granted, Roser Preliminary Motion 1 (Paper 30) seeks to present amended claims. 37 CFR § 1.633(i).

A motions panel (Judges McKelvey, Schafer and Torczon) has considered Bronshtein Preliminary Motion 1 and has unanimously determined that the motion should be denied. The decision is

being communicated to the parties via this ORDER so that the interference may proceed. A MEMORANDUM OPINION and ORDER making findings of fact and explaining the panel's rationale in support of the decision will follow in due course.

Times for taking other action during the preliminary motions phase of the interference appear in an order entered concurrently herewith.

**B. Order**

Upon consideration of Bronshtein Preliminary Motion 1 and Roser Preliminary Motion 1, and for reasons which will follow in a separate opinion to be entered in due course, it is

ORDERED that Bronshtein Preliminary Motion 1 is denied, with prejudice.

FURTHER ORDERED that the time for seeking reconsideration of the decision denying Bronshtein Preliminary Motion 1 shall be fourteen (14) days after entry of the "separate opinion" to be entered in due course.

FURTHER ORDERED that Roser Preliminary Motion 1 is dismissed without prejudice as moot.

Fred E. McKelvey  
Senior Administrative Patent Judge

18 December 2001  
Arlington, VA

104,727

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