

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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

Filed by: @ \_\_\_\_\_  
Administrative Patent Judge  
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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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Junior Party  
(application or patent number),

v.

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Senior Party  
(application or patent number).

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Patent Interference No. 104,@

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**ORDER  
TESTIMONY AND FILING OF THE RECORD  
BRIEFING SCHEDULE**

**A. Conference call**

A @ hearing/telephone conference call was held on @\_\_\_\_\_ @\_\_, 19@\_\_, at approximately @\_\_:\_\_ a/p.m., involving:

1. @\_\_\_\_\_, Esq., counsel for @\_\_\_\_\_;
2. @\_\_\_\_\_, Esq., counsel for @\_\_\_\_\_;
3. @\_\_\_\_\_, Esq., for @\_\_\_\_\_;
4. @\_\_\_\_\_, Esq., counsel for @\_\_\_\_\_; and
5. @\_\_\_\_\_, Administrative Patent Judge.

**B. Relevant discussion during conference call**

The principal purpose of the conference call was to set times for taking action during the testimony phase of the interference.

@insert any relevant discussion not otherwise covered herein.

**C. Motion for ruling on the admissibility of evidence**

At any appropriate time, a party may file a Rule 635 motion for a ruling on the admissibility of evidence. See Paragraph 32 of the NOTICE DECLARING INTERFERENCE (Paper 1).

**D. Time schedule for taking action**

1. @\_\_\_\_\_ Time for taking action with respect to settlement discussion (see Paragraph 45 of the NOTICE DECLARING INTERFERENCE)
2. @\_\_\_\_\_ Service of junior party case-in-chief on the issue of priority and/or derivation
3. @\_\_\_\_\_ Last day for cross-examination
4. @\_\_\_\_\_ Service of senior party case-in-chief case on the issue of priority and/or derivation
5. @\_\_\_\_\_ Last day for cross-examination
6. @\_\_\_\_\_ Filing of a paper under 37 CFR § 1.640(b) indicating the issues to be considered at the priority phase of final hearing
7. @\_\_\_\_\_ Service (but not filing with the board) of the record
8. @\_\_\_\_\_ Time for taking action with respect to settlement discussion (see Paragraph 45 of the NOTICE DECLARING INTERFERENCE)
9. @\_\_\_\_\_ Filing of **one copy** of junior party principal brief on the issue of priority and/or derivation
10. @\_\_\_\_\_ Filing of **one copy** of each of:
  - a. Senior party motion to exclude evidence

- b. Senior party brief in opposition to junior party principal brief
- c. Senior party principal brief on the issue of priority and/or derivation

11. @\_\_\_\_\_

Filing of **one copy** of each of:

- a. Junior party opposition to senior party motion to exclude evidence
- b. Junior party reply to senior party brief in opposition to junior party principal brief
- c. Junior party brief in opposition to senior party principal brief
- d. Junior party motion to exclude evidence

12. @\_\_\_\_\_

Filing of **one copy** of each of:

- a. Senior party reply to junior party opposition to senior party principal brief
- b. Senior party opposition to junior party motion to exclude evidence

13. @\_\_\_\_\_

Filing of **one copy** of junior party reply to senior party opposition to exclude evidence

14. @\_\_\_\_\_

"Last time" consisting of filing of:

- a. **An original and three copies** the record. Exhibits should be filed in an accordion folder, box or other folder containing all exhibits in numerical order (the copies of exhibit should be submitted in like fashion in an accordion folder, box or other folders).
- b. **Three copies** of each principal brief, opposition brief and reply brief and three copies of each motion to exclude evidence, opposition thereto and reply thereto.
- c. Any ZIP® disk and/or CD-ROM which a party elects to file.

The parties are authorized to stipulate different times (earlier or later) for all but the "last time" provided, a notice is filed with the board as soon as practical after any agreement is reached. The notice should be in the form of a photostatic copy of the order setting dates with old dates crossed out and new dates inserted by hand.<sup>1</sup>

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<sup>1</sup> The purpose of this requirement is to make it easy for personnel at the board to determine the changes in dates agreed to by the parties.

**E. Oral hearing before a merits panels**

The date and time for an oral hearing before a merits panels will be set by conference call in due course.

\_\_\_\_\_  
@\_\_\_\_\_  
Administrative Patent Judge

Date: \_\_\_\_\_  
Arlington, VA

ORDERTE4  
Revised March 1999  
(replaces ORDERTE3)