

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper No. 21

Filed by: Trial Section Merits Panel  
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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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JAMES T. WOMACK

Junior Party,  
(Application 08/464,553)<sup>1</sup>,

v.

DEBORAH HELLINGS

Senior Party  
(Patent No. 5,467,998)<sup>2</sup>

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Patent Interference 103,960

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Before: McKELVEY, Senior Administrative Patent Judge, and  
SCHAFER and LEE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

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<sup>1</sup> Filed on June 5, 1995.

<sup>2</sup> Based on application 08/283,539, filed on August 1, 1994.

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On March 2, 2000, senior party Hellings filed a paper entitled "Decision Made Between Party Womack and Party Hellings" and signed by both counsel for the junior party and counsel for the senior party. (Paper No. 20). The submission states:

Party Hellings and Party Womack have exchanged and examined evidence. Based on the evidence, Party Hellings and Party Womack have agreed that Party Hellings has priority.

The submission is taken as a joint request for entry of adverse judgment against junior party Womack pursuant to 37 CFR § 1.662(a). The request is granted. It is

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

**FURTHER ORDERED** that judgment on priority as to Count 1 is awarded in favor of senior party DEBORAH HELLINGS.

**FURTHER ORDERED** that, on the record before the Board of Patent Appeals and Interferences, senior party DEBORAH HELLINGS is entitled to a patent containing claims 1-3 (corresponding to Count 1) of U.S. Patent 5,467,998.

**FURTHER ORDERED** that junior party JAMES T.

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WOMACK is not entitled to a patent containing claims 1-6  
(corresponding to Count 1) of application 08/464,553.

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**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

_____	)	
FRED E. MCKELVEY, Senior	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	
RICHARD E. SCHAFER	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
_____	)	
JAMESON LEE	)	
Administrative Patent Judge	)	

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By Federal Express

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