

Trial Section Merits Panel
BOX INTERFERENCE
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Paper No. 39

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM J. BOYLE
(5,843,678 and 08/880,855),

Junior Party,

v.

DANIEL M. GORMAN
and JEANINE D. MATTSON
(08/989,362),

Senior Party.

Interference No. 104,336

Before SCHAFFER, LEE, and TORCZON, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT

(PURSUANT TO 37 CFR § 1.662)

INTRODUCTION

Junior party Boyle requests entry of adverse judgment against itself by conceding priority for both counts in this interference (Paper No. 38). The request is granted.

ORDER

Upon consideration of the record of this interference, it
is-

ORDERED that judgment on priority as to Count I is
awarded against junior party Boyle;

FURTHER ORDERED that junior party Boyle is not entitled
to a patent containing claims 1-15 of Boyle's 5,843,678
patent, which correspond to count I;

FURTHER ORDERED that junior party Boyle is not entitled
to a patent containing claims 1, 2, 4-7, 9-15, and 37 of
Boyle's 08/880,855 application, which correspond to count II;

FURTHER ORDERED that, based on the record before us,
senior party Gorman is entitled to a patent containing claims
1-6, 11-16, and 21-46 of Gorman's 08/989,362 application;

FURTHER ORDERED that a copy of this decision be given a
paper number and be entered in the administrative record of

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Boyle's 5,843,678 patent, Boyle's 08/880,855 application, and
Gorman's 08/989,362 application.

RICHARD E. SCHAFER
Administrative Patent Judge

JAMESON LEE
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

BOARD OF
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APPEALS AND
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