

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Charles Padgett

Junior Party
(Application 14/211,030),

v.

Cybernet Systems Corporation

(Inventors: Glenn J. Beach, James Burkowski, Amanda Christiana, Trevor Davey,
Charles J. Jacobus, Joseph Long, Gary Moody, and Gary Siebert)

Senior Party
(Application 13/835,352).

Patent Interference No. 106,100 (DK)
(Technology Center 3600)

Judgment
37 C.F.R. § 41.127(a)

Before SALLY GARDNER LANE, JAMES T. MOORE, and DEBORAH
KATZ, *Administrative Patent Judges*.

KATZ, *Administrative Patent Judge*.

Interference 106,100

1 We enter judgment under 35 U.S.C. § 102(g)¹ against Junior Party, Charles
2 Padgett (“Padgett”) following the decision to deny Padgett Substantive Motion 2,
3 arguing for priority (Paper 52). (*See* Decision on Motions, Paper 64.) In that
4 decision we determined that Padgett failed to provide sufficient evidence of
5 conception or reduction to practice of an embodiment of the Count earlier than the
6 filing date of Senior Party’s application 13/835,352.

7 It is ORDERED that all of the involved claims of Padgett application
8 14/211,030 (claims 1–9 and 12–20) are FINALLY REFUSED;

9 It is further ORDERED that a copy of this judgment shall be entered into the
10 administrative record of application 14/211,030 and application 13/835,352;

11 It is further ORDERED that the parties are directed to 35 U.S.C. § 135(c)
12 and to 37 C.F.R. § 41.205 regarding the filing of settlement agreements; and

13 It is further ORDERED that a party seeking judicial review timely serve
14 notice on the Director of the United States Patent and Trademark Office (*see* 37
15 C.F.R. §§ 90.1 and 104.2. *See also* 37 C.F.R. § 41.8(b). Attention is directed to
16 *Biogen Idec MA, Inc., v. Japanese Foundation for Cancer Research*, 785 F.3d 648,
17 654–57 (Fed. Cir. 2015) (determining that pre-AIA § 146 review was eliminated
18 for interference proceedings declared after September 15, 2012).

¹ Patent interferences continue under the relevant statutes in effect on 15 March 2013. *See* Pub. L. 112-29, § 3(n), 125 Stat. 284, 293 (2011).

Interference 106,100

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