

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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 No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAN REXFELT and SVEN-ARNE SVENSSON

Junior Party,¹

v.

WALTER BEST, SYLVESTER ESCHMANN
and WALTER SCHAAF

Senior Party.²

Patent Interference No. 103,686

Before RONALD H. SMITH, SOFOCLEOUS, and DOWNEY, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT

¹ Application 07/078,216, filed June 15, 1993, now U.S. Patent No. 5,360,656, issued November 1, 1994; accorded benefit of Application PCT/SE91/00868, filed December 17, 1991. Assignors to Albany International Corp., Albany, NY.

² Application 08/400,513, filed March 7, 1995; accorded benefit of Applications 08/154,532, filed November 19, 1993, now abandoned; 07/953,191, filed September 29, 1992, now U.S. Patent No. 5,268,076, issued December 7, 1993 and 07/704,354, filed May 23, 1991, now abandoned.

Interference No. 103,686

Rexfelt et al., the junior party, failed to make any showing why judgment on the record should not be entered against them, in view of the fact that the dates set forth in their preliminary statement are subsequent to the effective filing date of Best et al., the senior party, and the time allowed for such showing has expired.

Accordingly, pursuant to the order of July 18, 1997, judgment under 37 CFR § 1.640(e) as to the subject matter of the count in issue is awarded to Best et al., the senior party. Rexfelt et al., the junior party, are not entitled to a patent containing claims 1 to 6 and 9 to 18 corresponding to the count.

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RONALD H. SMITH)
Administrative Patent Judge)
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_____) BOARD OF PATENT
MICHAEL SOFOCLEOUS) APPEALS AND
Administrative Patent Judge) INTERFERENCES
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_____)
MARY F. DOWNEY)
Administrative Patent Judge)

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Interference No. 103,686

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