

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(2) is not binding precedent of the Board.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. 8

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT F. HIRD AND EDWARD F. COSGROVE,

Junior Party,¹

v.

RICHARD R. MATNER, WILLIAM E. FOLTZ
AND LEWIS P. WOODSON,

Senior Party,²

Patent Interference No. 103,606

Before DOWNEY, HANLON, and WEIMAR, Administrative Patent Judges.

Interference No. 103,606

ENTRY OF ADVERSE JUDGMENT AGAINST HIRD ET AL.

Receipt is acknowledged of REQUEST FOR ENTRY OF ADVERSE JUDGMENT AGAINST JUNIOR PARTY filed by Junior party Hird et al. (Paper No. 7) which, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment as to all claims which correspond to Count 1, the sole count in issue.

Furthermore, Junior party Hird et al. have failed to file a preliminary statement, and are therefore, restricted to their filing date under 37 CFR § 1.629(c), which date is subsequent to the date granted Senior party Matner et al. Hird et al. have also failed to file any preliminary motions under 37 CFR § 1.633, and the time for filing such motions has expired. Accordingly, Hird et al. are not entitled to raise any issues at final hearing. In view of the foregoing, entry of judgment against Junior party Hird et al. is now appropriate.

JUDGMENT

Judgment as to the subject matter of Count 1 is hereby entered against the Junior party, Robert F. Hird and Edward F. Cosgrove. Robert F. Hird and Edward F. Cosgrove are not entitled

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Judgment as to the subject matter of Count 1 is hereby awarded to the Senior party, Richard R. Matner, William E. Foltz and Lewis P. Woodson. On the record before the Patent and Trademark Office in this interference, Richard R. Matner, William E. Foltz and Lewis P. Woodson are entitled to a patent containing claims 12-22 which correspond to Count 1.

MARY F. DOWNEY)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
ADRIENE LEPIANE HANLON)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
ELIZABETH C. WEIMAR)	
Administrative Patent Judge)	

Interference No. 103,606

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