

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 111

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

YEHUDA IVRI

Junior Party,¹

v.

CALVIN J. ROSS and VICTOR C. HUMBERSTONE

Senior Party.²

Interference No. 103,704

Before METZ, PATE and MARTIN, **Administrative Patent Judges**.

PATE, **Administrative Patent Judge**.

¹ U.S. Application 08/163,850, filed December 7, 1993. Accorded the benefit of U.S. Application 07/726,777, filed July 8, 1991, now abandoned; and U.S. Application 07/691,584, filed April 24, 1991, now U.S. Patent No. 5,164,740, issued November 7, 1992.

² U.S. Patent 5,261,601, granted November 16, 1993, based on U.S. Application 07/907,519, filed July 6, 1992. Accorded the benefit of U.S. Application 07/620,416, filed December 3, 1990, now U.S. Patent No. 5,152,456, issued October 6, 1992; UK 8928086 filed December 12, 1989; and UK 9017563 filed August 10, 1990. Assignor to Bepak plc, Norfolk, United Kingdom.

Interference No. 103,704

JUDGMENT UNDER 37 CFR § 1.662

Now comes senior party Ross et al. with a concession of priority in the above-noted interference. Pursuant to 37 CFR § 1.662(a) such a concession is treated as a request for entry of adverse judgment. Accordingly, judgment is hereby entered.

In view of the judgment, entered below, the pending preliminary motions are dismissed as moot.

Judgment

Judgment in Interference No. 103,704 is entered in favor of Yehuda Ivri, the junior party. Yehuda Ivri is entitled to a patent containing claims 1-4, 6, and 13-37, which claims correspond to the count in interference. Judgment is entered against Calvin J. Ross and Victor Humberstone, the senior party. Calvin J. Ross and Victor Humberstone are not entitled to their patent containing claims 1-10 and 12-16, which claims correspond to the count in interference.

ANDREW H. METZ)	
Administrative Patent Judge)	
)	
)	BOARD OF PATENT
WILLIAM F. PATE, III)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
JOHN C. MARTIN)	
Administrative Patent Judge)	

WFP:psb

Interference No. 103,704

Counsel for Junior Party Ivri:

James M. Heslin
Townsend and Townsend & Crew LLP
Two Embarcadero Center
8th Floor
San Francisco, CA 94111-3834

Counsel for Senior Party Ross:

Joseph A. DeGrandi et al.
Beveridge, DeGrandi & Weilacher
1850 M Street, N.W.
Suite 800
Washington, D.C. 20036