

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

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Paper No. 42

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JEAN-LOUIS C. Guay

Junior Party,
(Application 07/493,011)¹
v.

ROBERT P. HUNT

Senior Party.
(Patent No. 4,949,172)²

Patent Interference No. 103,709

JUDGMENT

Facts

¹ Filed March 13, 1990. At the time of declaration of the interference, the application was assigned to E. I. Dupont de Nemours & Co.

² Filed January 6, 1989. Accorded the benefit of application 07/249,385, filed September 26, 1988, now Patent No. 4,922,337, issued May 1, 1990, and application 07/186,446, filed April 26, 1988, now Patent No. 4,896,211, issued January 23, 1990. Assigned to Picker International, Inc.

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1. On February 8, 1999, a decision on preliminary motions was mailed. (Paper No. 24).

2. On December 28, 1999, the parties jointly filed a notice of settlement in which it was indicated that the parties' involved application and patent are now owned by a common assignee. (Paper No. 37).

3. On December 30, 1999, the parties were ordered to identify the common assignee and the common assignee was ordered to show cause why judgment should not be entered against junior party Guay. (Paper No. 38).

4. On January 11, 2000, senior party Hunt identified Picker International, Inc. as the common assignee and indicated that it was unaware of any ground why adverse judgment should not be entered against junior party Guay. (Paper No. 40).

5. On January 13, 2000, counsel for the senior party filed a further paper indicating that the communication of January 11, 2000, was submitted on behalf of the common assignee, Picker International, Inc. (Paper No. 41).

Discussion

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Since the common assignee is unaware of any ground why judgment should not be entered against junior party Guay, it is

ORDERED that judgment is herein awarded against junior party Guay;

FURTHER ORDERED that Jean-Louis C. Guay is not entitled to his application claim 25 which corresponds to the count;

FURTHER ORDERED that, on this record, Robert P. Hunt and David L. Gilblom are entitled to their patent claims 14, 15, 18, 19, 20 and 21 which correspond to the count.

	_____)	
	Fred E. McKelvey, Senior)	
	Administrative Patent Judge))	
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))	
	_____)	
PATENT	Richard Schafer)	BOARD OF
	Administrative Patent Judge))	APPEALS
))	AND
))	INTERFERENCES
	_____)	
	Jameson Lee)	
	Administrative Patent Judge)	

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By Federal Express

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