

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES M. GRIFFITH
Junior Party¹

V.

LLOYD WILLARD,
and WAYNE SIEBEN
Senior Party²

Interference No. 103,838

JUDGMENT

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judges.

¹ Patent No. 5,327,885, granted July 12, 1994, based on Application 08/018,058, filed February 16, 1993. Accorded benefit of Application 07/773,037, filed October 18, 1991, now Patent No. 5,201,315, granted April 19, 1993.

² Application 08/498,946, filed July 5, 1995. Accorded benefit of Application 07/946,000, filed September 15, 1992, now abandoned; 7/704,828, filed May 23, 1991, now abandoned; 08/075,681, filed June 11, 1993; and 07/809,715, filed December 18, 1991, now Patent No. 5,219,335, issued June 15, 1993. Assignor to Boston Scientific Corporation, a Delaware Corp.

Griffith, the junior party, has filed a concession of priority, which, pursuant to 37 CFR § 1.662(a), is treated as a

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request for entry of an adverse judgment as to all claims which correspond to the count.

Accordingly, judgment as to the subject matter of the count in issue is hereby awarded to Lloyd Willard and Wayne Sieben, the senior party. Griffith is not entitled to his patent containing claims 1-5, 13 and 14 corresponding to the count.

STANELY M. URYNOWICZ, JR.)
Administrative Patent Judge))
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MICHAEL SOFOCLEOUS) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES

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MARY F. DOWNEY)
Administrative Patent Judge)

Interference No. 103,837

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