

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.*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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JOSEPH DLUGOKECKI and JOSEPH FLORIAN,

Junior Party,<sup>1</sup>

v.

DAVID STROBEL and DAVID CZAJOWSKI,

Senior Party.<sup>2</sup>

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Patent Interference No. 103,953

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JUDGMENT

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METZ, PATE, and MARTIN, Administrative Patent Judges.

MARTIN, Administrative Patent Judge.

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<sup>1</sup> Patent No. 5,406,117, issued April 11, 1995, based on Application 08/164,139, filed December 9, 1993. Unassigned.

<sup>2</sup> Application 08/595,266 filed February 1, 1996. Unassigned. Accorded benefit of Applications 08/372,235, filed January 13, 1995, and 08/077,731, filed June 18, 1993.

Interference No. 103,953

Dlugokecki et al. have filed a concession of priority, which we are treating pursuant to 37 CFR § 1.662(a) as a request for entry of adverse judgment against their claims that correspond to the count. Accordingly, judgment as to the subject matter of the count is hereby entered against Dlugokecki et al.'s patent claims 1-27, which means Dlugokecki et al. are not entitled to a patent containing those claims. Judgment as to the subject matter of the count therefore is awarded in favor of Strobel et al., who are entitled to their claims that correspond to the count, i.e., application claims 29-55.

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Andrew H. Metz )  
Administrative Patent Judge) )  
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William F. Pate, III ) BOARD OF  
Administrative Patent Judge) PATENT APPEALS  
AND  
\_\_\_\_\_) INTERFERENCES  
John C. Martin )  
Administrative Patent Judge)

Interference No. 103,953

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Interference No. 103,953