

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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 16

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID P. WILSON, EARL A. E. LUND (deceased),
SABATINO R. ORFEO and JOSEPH M GARMAN,

Junior Party,
(Application 08/723,964),

v.

E. I. DUPONT DE NEMOURS AND COMPANY,

Senior Party
(Patent 5,284,596
Patent 5,409,962).

Patent Interference No. 104,455

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFFER and LEE, Administrative Patent Judges.

PER CURIAM.

JUDGMENT PURSUANT TO 37 CFR § 1.617

Upon consideration of the RESPONSE OF PARTY WILSON TO ORDER TO SHOW CAUSE (Paper 15), it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party David P. Wilson, Earl A. E. Lund (deceased), Sabatino R. Orfeo and Joseph M. Garman.

FURTHER ORDERED that judgment on priority as to Count 1 is awarded in favor of senior party Donald B. Bivens and Akimichi Yokozeki (real party in interest E. I. dupont de Nemours and Company) and senior party Philip L. Bartlett and Joseph A. Creazzo (real party in interest E. I. duPont de Nemours and Company).

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party Donald B. Bivens and Akimichi Yokozeki (real party in interest E. I. dupont de Nemours and Company) is entitled to a patent containing claims 1-5 (corresponding to Count 1) of U.S. Patent 5,284,596, granted 8 February 1994, based on application 07/798,607, filed 26 November 1991.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party Philip L. Bartlett and Joseph A. Creazzo (real party in interest E. I. dupont de Nemours and Company) is entitled to a patent

containing claims 3-4 (corresponding to Count 1) of U.S. Patent 5,409,962, granted 25 April 1995, based on application 07/809,153, filed 16 December 1991.

FURTHER ORDERED that junior party David P. Wilson, Earl A. E. Lund (deceased), Sabatino R. Orfeo and Joseph M. Garman is not entitled to a patent containing claims 3, 8, 35-39 and 41-42 (corresponding to Count 1) of application 08/723,964, filed 26 September 1996.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

_____)	
FRED E. McKELVEY, Senior)	
Administrative Patent Judge)	
)	
)	
_____)	
RICHARD E. SCHAFER)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
_____)	
JAMESON LEE)	
Administrative Patent Judge)	

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