

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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

DIDIER ARNAUD and JEAN-CLAUDE TANGUY,

Senior Party
(Patent 5,188,748).

Patent Interference No. 104,456

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 Didier Arnaud and Jean-Claude Tanguy.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party Didier Arnaud and Jean-Claude Tanguy is entitled to a patent containing claims 1-3 (corresponding to Count 1) of U.S. Patent 5, 188,748, granted 23 February 1993, based on application 07/658,271, filed 20 February 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)

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RICHARD E. SCHAFER) BOARD OF PATENT
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) INTERFERENCES
)

JAMESON LEE)
Administrative Patent Judge)

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