

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

FLOYD S. SMITH and MARK E. CARIM  
Junior Party<sup>1</sup>

v.

ERICH W. SAUTER  
Senior Party<sup>2</sup>

---

Interference No. 103,850

---

JUDGMENT

---

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

---

<sup>1</sup> Application 08/074,064, filed June 9, 1993, now Patent No. 5,415,868, issued May 16, 1995. Assignor L. Perrigo Company.

<sup>2</sup> Application 08/323,160, filed October 14, 1994. Accorded benefit of Application 08/180,550, filed January 12, 1994, now Patent No. 5,511,361, issued April 30, 1996; and Application 07/927,066 filed August 7, 1992, now Patent No. 5,317,849, issued June 7, 1994.

Interference No. 103,850

DOWNEY, Administrative Patent Judge.

Interference No. 103,850

Smith et al., the junior party, have filed pursuant to 37 CFR § 1.662(a) a request for entry of an adverse judgment as to all the claims which correspond to the count.

Accordingly, JUDGMENT as to the subject matter of the count in issue is hereby awarded to Erich W. Sauter, the senior party. Accordingly, Floyd S. Smith and Mark E. Crim, the junior party, are not entitled to their patent containing claims 1 through 11 corresponding to the count.

STANLEY M. URYNOWICZ, JR.	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
MICHAEL SOFOCLEOUS	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
MARY F. DOWNEY	)	
Administrative Patent Judge	)	

Interference No. 103,850

Randall G. Litton  
Price, Heneveld, Cooper,  
DeWitt & Litton  
695 Kenmoor, S.E.  
P.O. Box 2567  
Grand Rapids, MI 49501

Charles H. Lindrooth  
Synnestvedt & Lechner  
2600 Aramark Tower  
1101 Market Street  
Suite 2600  
Philadelphia, PA 19107