

**JUDGMENT**

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 134

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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HUGH A. THOMPSON and EDWARD H. KRAUTTER

Junior Party<sup>1</sup>

v.

BOBBY M. PHILLIPS, SHRIRAM BARGRODIA, WILLIAM A. HAILE,  
HARRY P. HALL, DAVID A. CASEY, J. NELSON DALTON,  
RONNIE J. JONES, RONALD S. SCALF, RICHARD D. NEAL,  
LEWIS C. TRENT and JACK L. NELSON

Senior Party<sup>2</sup>

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Patent Interference No. 103,601

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Before SOFOCLEOUS, CAROFF and DOWNEY, Administrative Patent Judges.

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<sup>1</sup> Application 07/773,164, filed October 8, 1991, now U.S. Patent No 5,200,248, issued April 6, 1993, which is a continuation of application 07/428,446, filed February 20, 1990, now abandoned.

<sup>2</sup> Application 07/736,267, filed July 23, 1991, which is according to appellants, a continuation-in-part of application 07/333,651, issued April 4, 1989, now abandoned.

Interference No. 103601

CAROFF, Administrative Patent Judge.

Whereas neither party to this interference has filed a response to the Order To Show Cause of July 22, 1997 (Paper No. 133) within the time set therefor, pursuant to that order judgment is hereby entered as follows:

JUDGMENT

In view of the finding in Paper No. 133 that there is no interference-in-fact:

Thompson et al, the junior party patentees, are entitled to their patent containing involved claims 1-48.

Phillips et al, the senior party applicants, are entitled to a separate patent containing their involved claims 1, 193, 220, 224-25, 232, 234, 240 and 244.

In view of the foregoing judgment, the preliminary statements filed in this interference (Paper Nos. 24, 45) remain sealed and will be returned to the respective parties who submitted them in accordance with 37 CFR 1.631(c).

Interference No. 103601

In view of footnote 5 in Paper No. 133, and in order to comply with their duty of disclosure, Phillips et al are hereby ordered to call the primary examiner's attention to the motion(s) filed by Thompson et al which raise questions concerning the patentability/enforceability of the claims in the involved Phillips et al application upon resumption of ex parte prosecution.

Administrative Patent Judge	)	
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Administrative Patent Judge	)	APPEALS AND
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	)	INTERFERENCES
	)	
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Administrative Patent Judge	)	

Interference No. 103601

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