P58
2-13-01

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

FEB 13 2001

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

WALTER R. CARROLL

Junior Party,[1]

v.

JAMES H. BASSETT

Senior Party.[2]

Patent Interference No. 103,620

Before METZ, PATE and MARTIN, Administrative Patent Judges.

PATE, Administrative Patent Judge.

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[1] Application Serial No. 08/080,662, filed June 18, 1993. Accorded the benefit of Application Serial No. 08/033,272, filed March 15, 1993, now U.S. Patent No. 5,443,023, granted August 22, 1995.

[2] Application Serial No. 08/073,573, filed June 8, 1993.

JUDGMENT UNDER 37 CFR §§ 1.652 and 1.656(i)

Background

On June 17, 1999, the Administrative Patent Judge (APJ) in charge of this interference promulgated an order setting times for testimony and filing of briefs. On July 13, 1999, the junior party's counsel requested permission to withdraw as counsel. The junior party was in arrears with respect to counsel's bills, and the junior party had paid maintenance fees without the knowledge or assistance of counsel. The APJ granted the request to withdraw stating that payment of the maintenance fee evidenced an intention on the part of the junior party to forgo counsel.

At the time of the withdrawal, the APJ extended the times for testimony and filing briefs in order to assure that the junior party, acting ***pro se***, had time to obtain representation if desired. The junior party has not filed a record or brief in the time periods provided in the APJ's modified order.

On November 21, 2000, the junior party was ordered to show cause why judgment pursuant to 37 CFR § 1.652 should not be entered against him. The junior party did not respond to the order. Accordingly, the following judgment is entered.

Judgment

Judgment in Interference No. 103,620 is hereby entered in favor of James H. Bassett, the senior party. James H. Bassett

is entitled to a patent containing claims 1, 2, and 4 through 8, which claims correspond to the count in interference. Judgment is entered against Walter R. Carroll, the junior party, under 37 CFR §§ 1.652 and 1.656(i), for failure to file a record or any brief. Walter R. Carroll is not entitled to his patent claim 25, which claim corresponds to the count in interference.

ANDREW H. METZ Administrative Patent Judge	BOARD OF PATENT APPEALS AND INTERFERENCES
WILLIAM F. PATE, III Administrative Patent Judge	
JOHN C. MARTIN Administrative Patent Judge	

WFP:psb

Interference No. 103,620

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FORM PTO-222
(REV. 1-90)

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

INTERFERENCE DIGEST

Interference No. 103,620 Paper No. 12

Name, Walter R. Carroll

Serial No. 08/080,662 Patent No.

Title, Agricultural Planter

Filed, June 18, 1993

Interference with James H. Bassett

DECISION ON MOTIONS

Examiner-in-Chief, Dated,

FINAL DECISION

Board of Patent Appeals and Interferences, ADVERSE Dated, 2-13-01

Court, Dated,

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.