

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 50

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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THOMAS D. GUY and ALEX IANNIRUBERTO

Junior Party,

v.

RANDY R. STEPHENS, JOHN M. COLLINS,  
ROBERT FARRA and DEAN PICHON

Senior Party.<sup>2</sup>

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Patent Interference No. 104,085

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Before METZ, PATE and MARTIN, *Administrative Patent Judges*.

PATE, *Administrative Patent Judge*.

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<sup>1</sup>U.S. Patent No. 5,334,164, granted August 2, 1994, based on Application 07/816,215, filed January 3, 1992. Assignee to United States Surgical Corp., Norwalk, CT.

<sup>2</sup>Application No. 08/311,147, filed September 23, 1994. Accorded benefit of Application No. 08/000,108, filed January 4, 1993, now U.S. Patent No. 5,350,364, granted September 21, 1994; and Application No. 07/781,026, filed October 18, 1991, now U.S. Patent No. 5,197,955, granted March 30, 1993.

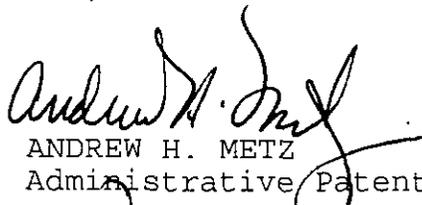
Interference 104,085

**JUDGMENT UNDER 37 CFR § 1.662**

Pursuant to a concession of priority by the party Guy et al, which under 37 CFR § 1.662 is to be taken as a request for entry of adverse judgment, the following judgment is entered.

**Judgment**

Judgment in Interference No. 104,085 has been entered against Thomas D. Guy and Alex Ianniruberto, the junior party. Thomas D. Guy and Alex Ianniruberto are not entitled to their patent containing claims 1-4, 6, 8, and 11-17, which claims are designated as corresponding to the count. Judgment is entered in favor of Randy R. Stephens, John M. Collins, Robert Farra, and Dean Pichon, senior party. Randy R. Stephens, John M. Collins, Robert Farra, and Dean Pichon are entitled to a patent containing claims 43-55, which claims correspond to the count in interference.

  
ANDREW H. METZ )  
Administrative Patent Judge )

  
WILLIAM F. PATE, III )  
Administrative Patent Judge )

  
JOHN C. MARTIN )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

WFP:psb

Interference 104,085

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