

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 23

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

STEPHANIE M. MATTSON,

Junior Party,
(Patent 5,523,264),

v.

ELISABETH ROUYER, ALAIN DEMERINGO,
WOLFGANG HOLSTEIN and STEPHAINA MAUGENDRE,

Senior Party
(Application 08/581,517).

Patent Interference No. 104,536

Before: McKELVEY, Senior Administrative Patent Judge, and
GARDNER-LANE and MEDLEY, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

FINAL JUDGMENT

A. Introduction

In a MEMORANDUM OPINION and ORDER entered 14 August 2000 (Paper 20), the panel denied Mattson Preliminary Motion 2 seeking to attack a priority benefit accorded to Rouyer. Accordingly, Mattson remained junior party.

In an ORDER SETTING TIMES FOR TAKING ACTION (Paper 21), Mattson was afforded an opportunity to file any additional preliminary motions and its priority case. The date for filing any preliminary motions and priority case was 18 November 2000. Mattson has not filed any additional preliminary motions or a priority case. Accordingly, as a junior party without a timely filed priority case, it is not apparent how Mattson is entitled to prevail in the interference. In light of the record, there is no apparent reason for not entering at this time a judgment against Mattson.

B. Order

Upon consideration of the record, including the fact that there has been no response to the ORDER SETTING TIMES FOR TAKING ACTION (Paper 21), it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 46), the sole count in the interference, is awarded against junior party STEPHANIE M. MATTSON.

FURTHER ORDERED that junior party STEPHANIE M. MATTSON is not entitled to a patent containing claims 1-14 (corresponding to Count 1) of U.S. Patent 5,523,264, granted 4 June 1996, based on application 08/414,689, filed 31 March 1995.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/581,517 and U.S. Patent 5,523,264.

cc (via First Class Mail)

Practitioner for Mattson
(real party in interest
Owens-Corning Fiberglas Technology, Inc.,
Owens-Corning exclusive licensee):

Raymond C. Stewart, Esq.
BIRCH, STEWART, KOLASH & BIRCH, LLP
8110 Gatehouse Road
Suite 500 East
Falls Church, VA 22042

Tel: 703-205-8000
Fax: 703-205,8050
E-mail: rcs@bskb.com
E-mail: mailroom@bskb.com

Practitioner for Rouyer:

Richard J. Minnich, Esq.
FAY, SHARPE, BEAL, FAGAN, MINNICH and McKEE
1100 Superior Avenue
Suite 700
Cleveland, OH 44114-2518

Tel: 216-861-5582
Fax: 216-241-1666
E-mail: None