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Paper 24

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID W. DEATON and RODNEY G. GABRIEL

Junior Party,
(Patent 5,592,560)
v.

MICHAEL R. O'BRIEN, GEORGE W. OFF and TIMOTHY L. CHERNEY

Senior Party
(Application 08/498,654).

Patent Interference No. 104,599

Before LEE, GARDNER-LANE and MEDLEY, Administrative Patent Judges.

GARDNER-LANE, Administrative Patent Judge.

JUDGEMENT PURSUANT TO 37 CFR § 1.662

O'Brien has filed a paper entitled "OBRIEN'S RESPONSE TO ORDER MAILED OCTOBER 18, 2000" (Paper 23). In the paper O'Brien makes a request that judgment be entered against O'Brien. The request is GRANTED.

Upon consideration of the record of the interference, it is ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against senior party MICHAEL R. O'BRIEN, GEORGE W. OFF and TIMOTHY L. CHERNEY;

FURTHER ORDERED that senior party MICHAEL R. O'BRIEN, GEORGE W. OFF and TIMOTHY L. CHERNEY, is not entitled to a patent containing claims 1, 3-6, 8, 10, 13-21, 23-24, 27-35, 37-43, and 45-67 of US application 08/498,654 which correspond to Count 1;

FURTHER ORDERED that, on the record before us, junior party DAVID W. DEATON and RODNEY G. GABRIEL, is entitled to a patent containing claims 1-26 of U.S. Patent 5,592,560, which correspond to Count 1;

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of O'Brien's 08/498,654 application and Deaton's 5,592,560 patent.

<u>JAMESON LEE</u>)	
Administrative Patent Judge)	
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<u>SALLY GARDNER-LANE</u>)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
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<u>SALLY C. MEDLEY</u>)	
Administrative Patent Judge)	

cc (via facsimile and first class mail):

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