

Beatles

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 23

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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 5,388,165)

v.

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

Senior Party
(Application 08/498,654).

Patent Interference No. 104,605

Before: SCHAFER, LEE and MEDLEY, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the request of the common assignee for entry of adverse judgment against senior party MICHAEL R. O'BRIEN, GEORGE W. OFF and TIMOTHY L. CHERNEY (Paper 22), it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p.46), is awarded against the 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 (corresponding to Count 1) of Application 08/498,654; and

FURTHER ORDERED that a copy of this judgment be made of record in Application 08/498,654 and in the file of Patent 5,388,165.

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RICHARD E. SCHAFER)	
Administrative Patent Judge)	
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JAMESON LEE)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
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SALLY C. MEDLEY)	
Administrative Patent Judge)	
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