

The opinion in support of the decision being entered today was not written for publication journal and is not binding precedent of the Board.

Paper No. 22

Box Interferences

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GERARD F. BARRY, GANESH M. KISHORE
DAVID M. STARK and JAMES C. ZALEWSKI

Junior Party
(Patent No. 5,648,249)

v.

MICHAEL M. BURRELL

Senior party
(Application 09/115,356),

Patent Interference No. 104,734

Before URYNOWICZ, CAROFF and ELLIS, Administrative Patent Judges.

ELLIS, Administrative Patent Judge.

JUDGMENT

Interference No. 104,734

On February 1, 2002, senior party Burrell submitted a "Request for Adverse Judgment" for all the claims corresponding to the count. (Paper No. 21).

Thus, pursuant to 37 C.F.R. § 1.662(a), JUDGMENT as to the subject matter of Count 1 in issue is hereby awarded to the junior party, GERARD F. BARRY, GANASH M. KISHORE, DAVID M. STARK and JAMES C. ZALEWSKI.

Accordingly, MICHAEL M. BURRELL is not entitled to their claims 1-19, corresponding to Count 1.

On this record, Barry et al. are entitled to their U.S. Patent 5,648,249 claims 1, 2, 5 and 6, corresponding to the count.

STANLEY M. URYNOWICZ, JR.
Administrative Patent Judge

MARC L. CAROFF
Administrative Patent Judge

JOAN ELLIS
Administrative Patent Judge

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