

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JUAN A. RUIZ, JAMES R. MAYNARD,
and FREDERICK DOMBROSE
(07/151,735),

Junior Party,

v.

HERMANN PELZER and WERNER STÜBER
(5,071,954),

Senior Party.

Interference No. 102,915

Before DOWNEY, WILLIAM F. SMITH, and TORCZON, Administrative
Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT
(PURSUANT TO 37 CFR § 1.662(a))

INTRODUCTION

Senior party Pelzer has conceded priority to junior party Ruiz (Paper No. 60) for the subject matter of the sole count (Paper No. 59). Ruiz's response (Paper No. 61) to an order to show cause (Paper No. 56) is rendered moot by Pelzer's concession.

ORDER

Upon consideration of the record of this interference, it is ORDERED that judgment on priority as to Count A is awarded against senior party Pelzer;

FURTHER ORDERED that HERMANN PELZER and WERNER STÜBER are not entitled to a patent containing claims 1-5 of 5,071,954, which correspond to Count A;

FURTHER ORDERED that, based on the record before us, junior party Ruiz is entitled to a patent containing claims 31 and 32 of 07/151,735, which correspond to Count A; and

FURTHER ORDERED that a copy of this decision be entered in the administrative records for 07/151,735 and 5,071,954.

MARY F. DOWNEY
Administrative Patent Judge

WILLIAM F. SMITH
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

BOARD OF
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Board of Patent Appeals and Interferences
Interference Trial Section

6 August 2003 - 17.03

TO: Yolunda R. Townes
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FROM: Richard Torczon

INTERFERENCE NO. 102,915

- Please review the attachment and, if no corrections are necessary, please circulate as indicated.
- If corrections are necessary, please mark the attachment accordingly and return it to me.

Thank you for your assistance in this matter.

Attachment

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