

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel  
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Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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KENNETH C. CRATER and DANIEL L. PIERSON

Junior Party  
( Patent 5,950,006)<sup>1</sup>

v.

MARK J. NIXON, DENNIS L. STEVENSON,  
MICHAEL G. OTT and STEPHEN G. HAMMACK

Senior Party  
(Application 09/563,212)<sup>2</sup>

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Patent Interference No. 105,129

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Before LEE, LANE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**Judgment**

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<sup>1</sup> Based on application 08/964,998, filed November 5, 1997. The real party in interest is Control Technology Corporation.

<sup>2</sup> Filed May 2, 2000. The real party in interest is Fisher-Rosemount Systems, Inc. Accorded the benefit of application 09/025,202, filed February 18, 1998, and application 08/631,863, filed April 12, 1996.

Interference No. 105,129  
Crater v. Nixon

On January 8, 2004, junior party Crater filed a paper requesting entry of adverse judgment. The request is **granted**. It is

**ORDERED** that judgment as to the subject matter of Count 1 is hereby entered against junior party KENNETH C. CRATER and DANIEL L. PIERSON;

**FURTHER ORDERED** that junior party KENNETH C. CRATER and DANIEL L. PIERSON is not entitled to its patent claims 1-16 which correspond to Count 1;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

**FURTHER ORDERED** that a copy of this judgment be filed in the respective involved application or patent of the parties.

_____	)	
Jameson Lee	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	
_____	)	BOARD OF PATENT
Sally Gardner Lane	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
_____	)	
Sally C. Medley	)	
Administrative Patent Judge	)	

Interference No. 105,129  
Crater v. Nixon

By Facsimile

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