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The opinion in support of the decision being entered today (1) was not written for publication in a law journal or reporter and (2) is not binding precedent of the Board.

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Paper 70

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PAUL G. CLEMMER, PETER B. LOGSDON, and HANG T. PHAM,

Junior Party,<sup>1</sup>

v.

RALPH N. MILLER, BARRY A. MAHLER,  
MARIO J. NAPPA and MARK A. CASEY,

Junior Party,<sup>2</sup>

v.

PAUL W. EWING, STUART CORR,  
JOHN S. MARTIN and MICHAEL J. WATSON,

Senior Party.<sup>3</sup>

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Patent Interference 103,989

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<sup>1</sup> Application 08/729,264 filed October 10, 1996.

<sup>2</sup> Application 08/678,564 filed July 12, 1996.

<sup>3</sup> Application 08/716,370 filed September 19, 1996.

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Before: SCHAFER, HANLON and WEIMAR, Administrative Patent Judges.

**FINAL DECISION**

The junior parties have failed to file a brief for final hearing as required by the order entered October 8, 1997 (Paper 30). Failure to file the brief is considered to be a concession of priority. Accordingly, judgement is awarded against the parties Clemmer and Miller. The party Clemmer is not entitled to a patent on the subject matter of claims 21-40 of application 08/729,264, corresponding to the count. The party Miller is not entitled to a patent on the subject matter of claims 1-4 of application 08/678,564, corresponding to the count. The party Ewing is entitled to a patent on the subject matter of claims 12-22 of application 08/716,370, corresponding to the count.

A copy of this decision shall be entered into the files of applications 08/729,264; 08/678,564; and 08/716,370.

RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
ADRIENE L. HANLON	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
ELIZABETH C. WEIMAR	)	
Administrative Patent Judge	)	

bae

cc:

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