

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 129

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DOMINIK M. WIKTOR

Junior Party¹

V.

LEONARD PINCHUK

Senior Party²

Interference No. 103,198

JUDGMENT

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

¹ Application 07/872,737, filed April 22, 1992. Accorded benefit of Applications 07/327,286, filed March 22, 1989, now Patent No. 5,133,732, granted July 28, 1992; 07/109,686, filed October 19, 1987, now Patent No. 4,886,062, granted December 12, 1989. Assignor to Medtronic, Inc., Minneapolis, MN, Corp. of MN.

² Patent No. 5,019,090, granted May 28, 1991, based on Application 07/240,000, filed September 1, 1988.

Interference No. 103,198

Pinchuk, the senior party, has filed a concession of priority, which, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment as to all claims which correspond to the count.

Accordingly, judgment as to the subject matter of the count in issue is hereby awarded to Dominik M. Wiktor, the junior party. Pinchuk is not entitled to its patent containing claims 1-13 corresponding to the count. On the present record, Wiktor is entitled to a patent containing claims 5-13 and 15-17; Wiktor is not entitled to a patent containing claim 14.

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| STANLEY M. URYNOWICZ, JR. |) | |
| Administrative Patent Judge |) | |
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| MICHAEL SOFOCLEOUS |) | BOARD OF PATENT |
| Administrative Patent Judge |) | APPEALS |
| |) | AND |
| |) | INTERFERENCES |
| |) | |
| MARY F. DOWNEY |) | |
| Administrative Patent Judge |) | |

Interference No. 103,198

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