

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOSEPH C. McDILDA and MICHAEL J. RICE,

Junior Party¹

v.

MICHAEL T. DRUMMOND, GENERAL TAYLOR and W. GERALD GAINNEY

Senior Party²

Interference No. 103,638

Before CALVERT, METZ and HANLON, Administrative Patent Judges.

CALVERT, Administrative Patent Judge.

JUDGMENT

Pursuant to 37 CFR § 1.662(a), the concession of priority filed by McDilda et al. is treated as a request for entry of an

¹ Application 07/638,390, filed January 7, 1991, now U.S. Patent No. 5,084,284, issued January 28, 1992. Assignors to The Pillsbury Co.; Minneapolis, MN.

² Application 07/746,056, filed August 12, 1991, accorded benefit of U.S. Application 07/621,219, filed November 30, 1990. Assignors to Sonoco Products Co., a corporation at Hartsville, SC.

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adverse judgment, and judgment is hereby accordingly entered against McDilda et al. and in favor of Drummond et al.

Joseph C. McDilda and Michael J. Rice, the junior party, are not entitled to claims 1 to 15 of their involved patent, designated as corresponding to the count. On the present record, Michael T. Drummond, General Taylor and W. Gerald Gainey, the senior party, are entitled to claims 1 to 3, 5 to 7, 9, 10, 36 and 38 to 45 of their involved application, designated as corresponding to the count.

IAN A. CALVERT)	
Administrative Patent Judge)	
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ANDREW H. METZ)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
ADRIENE LEPIANE HANLON)	
Administrative Patent Judge)	

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