

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

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Paper No. 65

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JEAN-LOUIS C. Guay

Junior Party,
(Application 07/493,011)¹
v.

ROBERT P. HUNT

Senior Party.
(Reexamined Patent No. B1 4,922,337)²
(Reexamination Certificate issued May 3, 1994)

Patent Interference No. 103,710

JUDGMENT

Facts

1. On February 12, 1999, a decision on preliminary motions was mailed. (Paper No. 30).

¹ Filed March 13, 1990. At the time of declaration of the interference, the application was assigned to E. I. Dupont de Nemours & Co.

² Filed September 26, 1988. Assigned to Picker International, Inc.

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2. On December 28, 1999, the parties jointly filed a notice of settlement in which it was indicated that the parties' involved application and patent are now owned by a common assignee. (Paper No. 57).

3. On December 30, 1999, the parties were ordered to identify the common assignee and the common assignee was ordered to show cause why judgment should not be entered against junior party Guay. (Paper No. 58).

4. On January 5, 2000, senior party Hunt purportedly filed a paper which identified Picker International, Inc. as the common assignee and indicated that it was unaware of any ground why adverse judgment should not be entered against junior party Guay.

5. The entry-log on the jacket of the file of this interference does not reflect an entry for the receipt of the original paper mailed by senior party Hunt on January 5, 2000.

6. On January 18, 2000, senior party Hunt filed by facsimile a copy of its January 5, 2000, communication and represented that the paper was mailed on January 5, 2000. (Paper No. 62).

5. On January 13, 2000, counsel for the senior party

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filed a paper indicating that the communication mailed on January 5, 2000, was submitted on behalf of the common assignee, Picker International, Inc. (Paper No. 60).

Discussion

Since the common assignee is unaware of any ground why judgment should not be entered against junior party Guay, it is

ORDERED that judgment is herein awarded against junior party Guay;

FURTHER ORDERED that Jean-Louis C. Guay is not entitled to his application claims 23 and 24 which correspond to the count;

FURTHER ORDERED that, on this record, the senior party Robert P. Hunt and David L. Gilblom are entitled to their patent claims 1-4, 6, and 22 which correspond to the count.

FRED E. MCKELVEY, Senior)
Administrative Patent Judge)
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| PATENT | _____) | BOARD OF |
| | RICHARD E. SCHAFFER) | APPEALS |
| | Administrative Patent Judge) | AND |
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| | JAMESON LEE) | |
| | Administrative Patent Judge) | |

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By Federal Express

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