Paper No. 68

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID A.G. DEACON, SIMON J. FIELD,
MICHAEL J. BRINKMAN, and WILLIAM K. BISCHEL,

Junior Party,[1]

v.

GILLIAN M. DAVIS,
ROBERT G.W. BROWN, and PAUL MAY

Senior Party.[2]

Patent Interference No. 103,769

JUDGMENT UNDER 37 CFR § 1.662(a)

---

[1] Involved on two cases:
(1) Patent No. 5,504,772, issued April 2, 1996, based on Application Serial No. 08/303,801, filed September 9, 1994. Assigned to Gemfire Corporation; and
(2) Application Serial No. 09/053,422, filed April 1, 1998, for reissue of Patent No. 5,504,772.

[2] Application Serial No. 08/375,596, filed January 20, 1995. Assigned to Sharp Kabushiki Kaisha. Accorded the benefit of UK application No. 9401193.9, filed January 21, 1994.

Before METZ, PATE, and MARTIN, Administrative Patent Judges.

MARTIN, Administrative Patent Judge.

In accordance with Davis et al.'s concession of priority as to Count 1, judgment with respect to the subject matter of Count 1 is hereby entered against Davis et al. and in favor of Deacon et al. As a result, Deacon et al. are entitled to their claims which correspond to Count 1 (i.e., patent claims 1-4 and 7-18; reissue application claims 1-4, 7-18, and 43-46) and Davis et al. are not entitled to a patent including their claims which correspond to Count 1 (i.e., application claims 15-17, 20, and 25).

In accordance with Deacon et al.'s concession of priority as to Count 2, judgment with respect to the subject matter of Count 2 is hereby entered against Deacon et al. and in favor of Davis et al. As a result, Davis et al. are entitled to a patent including their claims which correspond to Count 2 (i.e., application claims 1-14, 18, 19, and 21-24) and Deacon et

al. are not entitled to a patent including their claims which correspond to Count 2 (i.e., reissue application claims 23-42).

_____ ANDREW H. METZ Administrative Patent Judge	)
_____ WILLIAM F. PATE, III Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
_____ JOHN C. MARTIN Administrative Patent Judge	)

cc:

Edward J. Keeling, Esq.
Townsend and Townsend and Crew, L.L.P.
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Mark D. Saralino, Esq.
Renner, Otto, Boisselle & Sklar
1621 Euclid Avenue
Nineteenth Floor
Cleveland, OH 44115