

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 8

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GERALD T. McCARTHY
Junior Party¹

v.

GUNILLA LOFGREN NISSER
Senior Party²

INTERFERENCE NO. 103,867

JUDGMENT

McCarthy, the junior party, has filed a statutory disclaimer under 35 U.S.C. § 253, which, pursuant to 37 CFR §

¹ Patent No. 5,424,786, granted June 13, 1995, based on Application 08/200,182, filed February 22, 1994. Accorded benefit of Canada Application 2,090,713, filed February 23, 1993.

² Application 08/087,813 filed November 1, 1993. Accorded benefit PCT Application PCT/BE92/00049, filed November 9, 1992.

Interference No. 103,867

1.662(c), 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 Gunilla Lofgren Nisser, the senior party. McCarthy is not entitled to its patent containing claims 1, 7, 8 and 11-14 corresponding to the count.

The resealed preliminary statement of Nisser is being returned to Nisser with its copy of this decision. The statement was inadvertently opened at the Board prior to the mailing of this judgment.

Interference No. 103,867

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL SOFOCLEOUS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
WILLIAM F. PATE, III)	
Administrative Patent Judge)	

Interference No. 103,867

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