

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is not binding precedent of the Board.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. 4

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT N. HURST,

Junior Party,¹

v.

CHRISTOPHER H. STROLLE,
JUNG WAN KO, and RAYMOND SCHNITZLER,

Senior Party.²

Patent Interference No. 104,171

JUDGMENT

METZ, PATE, and MARTIN, Administrative Patent Judges.

¹ Patent No. 5,031,030, issued July 9, 1991, based on Application 07/570,260, filed August 20, 1990. Assigned to The General Electric Company. Accorded benefit of: None.

² Application 07/910,491, filed July 8, 1992. Unassigned. Accorded benefit of U.S. Applications 07/635,197, filed January 2, 1991 (abandoned), and 07/569,029, filed August 17, 1990, now Patent No. 5,113,262.

Interference No. 104,171

MARTIN, Administrative Patent Judge.

In accordance with junior party Hurst's concession of priority filed May 8, 1998 (copy attached), judgment on the issue of priority is hereby entered against Hurst et al.'s claims that correspond to the count, i.e., patent claims 1-18, which means Hurst is not entitled to a patent including those claims. Judgment on the issue of priority therefore is awarded in favor of Strolle et al.'s claims that correspond to the count, i.e., application claims 1-54, 78-80, and 85-90 (of which the examiner has indicated that claims 12-28, 78-80, and 85-90 are unpatentable over the prior art -- see pages 52-59 of the attachment to the Interference Initial Memorandum).

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

Interference No. 104,171

Administrative Patent Judge)

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Enclosure: Hurst's concession of priority filed May 8, 1998.