

Trial Section Merits Panel
BOX INTERFERENCE
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Paper No. 60

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BRIAN SPROAT
and ANGUS LAMOND
(5,658,731),

Junior Party,

v.

PHILLIP D. COOK,
DANIEL P.C. MCGEE, and CHARLES J. GUINOSSO
(07/967,267),

Senior Party.

Interference No. 104,235

Before SCHAFFER, LEE, and TORCZON, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT

(PURSUANT TO 37 CFR § 1.640)

INTRODUCTION

A motions panel decision dated 7 January 2000 placed Sproat under an order to show cause within twenty-eight days why judgment should not be entered against Sproat (Paper No. 59 at 23). No response is of record.

ORDER

Upon consideration of the record of this interference, it is-

ORDERED that judgment on priority as to the sole count is awarded against junior party Sproat;

FURTHER ORDERED that junior party Sproat is not entitled to a patent containing claims 1-23 of Sproat's 5,658,731 patent, which correspond to the count;

FURTHER ORDERED that, based on the record before us, senior party Cook is entitled to a patent containing claims 9, 10, and 15-27 of Cook's 07/967,267 application, which correspond to the count; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Sproat's 5,658,731 patent and Cook's 07/967,267 application.

RICHARD E. SCHAFER
Administrative Patent Judge

JAMESON LEE
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

BOARD OF
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APPEALS AND
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Board of Patent Appeals and Interferences
Interference Trial Section

20 March 2001 - 17.02

TO: Yolunda R. Townes
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FROM: Richard Torczon

INTERFERENCE NO. 104,235

- 9 Please review the attachment and, if no corrections are necessary, please circulate as indicated.
- 9 If corrections are necessary, please mark the attachment accordingly and return it to me.

Thank you for your assistance in this matter.

Attachment

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