

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD

Paper No.

33

Filed by: Trial Section Merits Panel
Box Interference
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FREDERICK W. GEORGE, III, and WOLFGANG F. KRASKE

Junior Party
(Application 08/715,920),¹

v.

WOLFGANG F. KRASKE

Senior Party
(Application 08/523,438)²

Patent Interference No. 104,410

Before McKELVEY, Senior Administrative Patent Judge, and
SCHAFER and LEE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT

¹ Filed on September 19, 1996. Accorded the benefit of application 60/004,126, filed September 20, 1995. Assigned to Integrated Medical Systems, Inc.

² Filed on September 5, 1995. Assigned to Integrated Medical Systems, Inc.

On April 27, 2000, a paper was submitted by counsel for the senior party, Mr. Bruce B. Brunda, entitled "Submission of Patent Assignments and Identification of Prevailing Party" (Paper No. 32). The paper stated that the involved applications of both the junior and the senior party in this interference are now commonly owned by Integrated Medical Systems, Inc. Mr. Brunda also stated:

Integrated Medical Systems, Inc., the common assignee of both the Junior Party application and the Senior Party application, hereby advises the Board that the Junior Party, i.e., Frederick W. George, III, and Wolfgang F. Kraske are the prevailing parties in this interference. An Order identifying the Junior Party as the prevailing party in this proceeding is therefore requested.

This interference was declared on September 9, 1999, and no preliminary motion has been filed by either party in this case.

In light of the election by the common assignee, the request for entry of adverse judgment against the senior party is granted. It is

ORDERED that judgment as to the subject matter of the count is herein entered against the senior party WOLFGANG F. KRASKE;

FURTHER ORDERED that judgment as to the subject matter of the count is awarded to junior party FREDERICK W. GEORGE, III, and WOLFGANG F. KRASKE;

FURTHER ORDERED that senior party WOLFGANG F. KRASKE is not entitled to a patent containing its application claims 1-3 and 6-8 which correspond to the count; and

FURTHER ORDERED that on this record, junior party FREDERICK W. GEORGE, III, and WOLFGANG F. KRASKE is entitled to a patent containing its claims 1-8, 11, and 15-20 which correspond to the count.

_____)	
Fred E. McKelvey, Senior)	
Administrative Patent Judge))	
))	
))	BOARD OF PATENT
_____)	APPEALS
Richard E. Schafer)	AND
Administrative Patent Judge))	INTERFERENCES
))	
))	
_____)	
Jameson Lee)	
Administrative Patent Judge))	

By Federal Express

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