

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 21

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ERNST K. JUST, THOMAS G. MAJEWICZ  
and ARJUN C. SAU,

Junior Party,  
(Patent 5,124,445),

v.

EMMETT M. PARTAIN III,  
GEORGE L. BRODE II and RICHARD C. HOY,

Senior Party  
(Application 08/363,613).

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Patent Interference No. 104,628 (McK)

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Before: McKELVEY, Senior Administrative Patent Judge, and  
SPIEGEL and MEDLEY, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Upon consideration of JUST'S REQUEST FOR ENTRY OF ADVERSE  
JUDGMENT (Paper 20), it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 5), the sole count in the interference, is awarded against junior party ERNST K. JUST, THOMAS G. MAJEWICZ and ARJUN C. SAU.

FURTHER ORDERED that junior party ERNST K. JUST, THOMAS G. MAJEWICZ and ARJUN C. SAU is not entitled to a patent containing claims 1-6 (corresponding to Count 1) of Patent 5,124,445, granted 23 June 1992, based on application 07/701,756, filed 17 May 1991.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/363,613 and Patent 5,124,445.

FURTHER ORDERED that if there is any additional agreement apart from the settlement agreement already filed in the USPTO, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

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FRED E. MCKELVEY, Senior )  
Administrative Patent Judge )  
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CAROL A. SPIEGEL ) BOARD OF PATENT  
Administrative Patent Judge ) APPEALS AND  
 ) INTERFERENCES

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SALLY C. MEDLEY )  
Administrative Patent Judge )

104,628

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