

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(2) is not binding precedent of the Board.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. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JACK L. CRAIN, P. RANDELL GRAY,
AND MELVIN D. COLCLASURE

Junior Party,¹

v.

LEROY D. LUTHER,

Senior Party.²

Patent Interference No. 103,530

JUDGMENT

Before PATE, MARTIN, and LEE, Administrative Patent Judges.

PATE, Administrative Patent Judge.

¹ Application 08/011,893, filed February 01, 1993.

² Patent No. 5,287,989, issued February 22, 1994, based on Application 07/954,551, filed September 30, 1992. Accorded the benefit of Application 07/847,664, filed March 5, 1992, now Patent No. 5,167,898, issued December 1, 1992.

Interference No. 103,530

FINAL DECISION

Now comes the senior party Leroy D. Luther, with a concession of priority, which is treated as a request for entry of adverse judgment under 37 CFR § 1.662(a). Accordingly, the following judgment is entered.

JUDGMENT

Judgment in the above-noted interference is entered against the senior party, Leroy D. Luther. Leroy D. Luther is not entitled to his patent claims 1 through 13, which claims correspond to the count in interference. Judgment is entered in favor of the junior party, Jack L. Crain, Randell Gray, and Melvin D. Colclasure. Jack L. Crain, Randell Gray, and Melvin D. Colclasure are entitled to a patent containing claims 1 through 8 and 21 through 26, which claims correspond to the count in interference.

William F. Pate, III)	
Administrative Patent Judge)	
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)	
)	
JOHN C. Martin)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES

Interference No. 103,530

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