

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BARRY R. DEGRAFF

Junior Party ¹

v.

JOHN L. KEELAN

Junior Party ²

Interference No. 103,676

JUDGMENT

Before CALVERT, PATE and CRAWFORD, Administrative Patent Judges.

CRAWFORD, Administrative Patent Judge.

¹ Application Serial No. 08/072,036 filed June 3, 1993. Accorded benefit of Application 07/972,227 filed November 5, 1992.

² Application Serial No. 08/173,370 filed December 23, 1993. Accorded benefit of Application 07/972,227 filed November 5, 1992.

Interference No. 103,676

In consideration of the junior party DeGraff's Motion for Judgment and in consideration of the junior party Keelan's failure to submit the documents enumerated in our May 14, 1999 Order, junior party Keelan stands as a junior party that has not submitted a brief for final hearing. Accordingly, under 37 CFR 1.656(i) judgment as to the subject matter of the count, is hereby entered against junior party Keelan, who is therefore not entitled to a patent containing his claims which correspond to the count i.e. claims 1 and 21-31. As a result, judgment as to the subject matter of the count is awarded to junior party DeGraff, who on this record is entitled to a patent containing his claims which correspond to the count i.e., claims 1, 3-5 and 7-10.

IAN A. CALVERT)
Administrative Patent Judge)
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WILLIAM F. PATE, III) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES

Interference No. 103,676

MURRIEL E. CRAWFORD)
Administrative Patent Judge)

MEC/gjh

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