

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(2) is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ROBERT C. NOWOTNY,

Junior Party,<sup>1</sup>

v.

GEORGE RUFO, JR. and ALVIN THOMAS,

Senior Party.<sup>2</sup>

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Patent Interference No. 103,938

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Before METZ, PATE and MARTIN, Administrative Patent Judges.

PATE, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.640

On March 26, 1998, an Order to Show Cause under 37 CFR

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<sup>1</sup>Patent 5,385,231, granted January 31, 1995, based on  
Application 08/200,112, filed February 22, 1994. Assignor to  
Don Evans, Inc., DeForest, Wisconsin.

<sup>2</sup>Application 08/149,632, filed November 9, 1993.

Interference No. 103,938

§ 1.640(d)(2) was entered against the junior party in the above-noted interference for failure to file a preliminary statement. The junior party has not responded to the Order. Accordingly, the following judgment is entered.

Judgment

Judgment in Interference No. 103,938 is hereby entered against Robert C. Nowotny, the junior party. Robert C. Nowotny is not entitled to his patent claims 1-3 and 5-7, which claims correspond to the count in interference. Judgment is entered in favor of George Rufo, Jr. and Alvin Thomas, the senior party. George Rufo, Jr. and Alvin Thomas are entitled to a patent containing claims 16-29, which claims correspond to the count in interference.

ANDREW H. METZ	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
WILLIAM F. PATE, III	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
JOHN C. MARTIN	)	
Administrative Patent Judge	)	

Interference No. 103,938

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Interference No. 103,938

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