

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(2) is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SVATOBOJ OTRUBA
Junior Party¹

v.

GAYLEN R. HINTON
Senior Party²

Interference No. 104,045

¹ Patent No. 5,486,253, granted January 23, 1996, based on Application 08/443,317, filed May 17, 1995. Assignor to B&H Mfg. Co., Ceres, CA.

² Application 08/615,918, filed March 14, 1996. Accorded benefit of Application 08/327,267, filed October 21, 1994, now U.S. Patent No. 5,538,575, granted July 23, 1996. Assignor to Trine Mfg. Co.

Interference No. 104,045

Before CALVERT, PATE and MARTIN, Administrative Patent Judges.
CALVERT, Administrative Patent Judge.

JUDGMENT

Since Otruba has not filed a response to the order to show cause issued on September 24, 1998 (Paper No. 19), and the time set for filing a response has expired, this case is taken up for the entry of judgment.

In Paper No. 19, the Otruba motion under 37 CFR § 1.633(c)(4) to designate claims 12 to 15 of his involved patent as not corresponding to the count was granted as to claims 12 to 14. Accordingly, the interference is redeclared herewith to reflect that decision.

In view of the Joint Concession of Unpatentability of the Count (Paper No. 16), and the redeclaration herewith, it is hereby adjudged, pursuant to 37 CFR § 1.662(a), that the junior party, Svatoboj Otruba, is not entitled to claims 1, 4 to 11 and 15 of his involved patent, designated as correspond-

Interference No. 104,045

ing to the count, and Gaylen Roy Hinton, the senior party, is not entitled

to claims 29 to 40 of his involved application, designated as corresponding to the count.

	IAN A. CALVERT)	
	Administrative Patent Judge)	
)	
)	
)	BOARD OF
PATENT)	
	WILLIAM F. PATE III)	APPEALS AND
	Administrative Patent Judge)	INTERFER-
ENCES)	
)	
)	
	JOHN C. MARTIN)	
	Administrative Patent Judge)	

Interference No. 104,045

psb

Interference No. 104,045

Attorney for Otruba:

Kevin J. Heint

Brooks & Kushman

1000 Town Center

22nd Floor

Southfield, MI 48075

Attorney for Hinton:

Morgan & Finnegan

345 Park Avenue

New York, NY 10154-0053