

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 63

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MICHAEL S. REVESZ, HAROLD G. BURKETT, JR.,
and ROBERT C. GILBERT,

Junior Party,¹

v.

STURE OLSSON and ROGER AHLM,

Senior Party.²

Patent Interference No. 104,204

JUDGMENT UNDER 37 CFR § 1.640(e)

¹ Patent No. 4,962,466, issued October 9, 1990, based on Application Serial No. 07/453,816, filed December 19, 1989. Assigned to Pricer AB. Accorded the benefit of Application Serial No. 07/031,396, filed March 27, 1987 (now Patent No. 4,888,709, issued December 19, 1989).

² Application Serial No. 08/645,632, filed May 20, 1996. Assigned to Pricer AB. Accorded the benefit of: Serial No. 08/225,537, filed April 11, 1994; Serial No. 08/004,623, filed January 14, 1993 (now Patent No. 5,313,569, issued May 17, 1994); Serial No. 07/631,356, filed December 19, 1990; Serial No. 07/273,218, filed November 18, 1988 (now Patent No. 5,019,811, issued May 28, 1991); Serial No. 06/882,912, filed June 27, 1986; and Swedish application No. 8405140-8, filed October 15, 1984.

Interference No. 104,204
Judgment under 37 CFR § 1.640(e)

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

MARTIN, Administrative Patent Judge.

Paper No. 57, mailed June 20, 2000, included the following show cause order:

Revesz is hereby ordered pursuant to 37 CFR § 1.640(d)(1) to show cause within 20 days why judgment should not be entered against his claims 2 and 5-8 for unpatentability

(1) over the subject matter of the lost claims and count in Interference No. 102,652 (Decisions on Motions at 8 and 11-15),

(2) on the ground of interference estoppel Decisions on Motions at 15, as corrected supra), and

(3) over the prior art cited in Olsson's Motion 3 (Decisions on Motions at 16).

Revesz's failure to respond to the show cause order will result in the entry of judgment against claims 2 and 5-8 on all of the foregoing grounds.

As a result of Revesz's failure to respond to the show cause order, judgment is hereby entered pursuant to § 1.640(e) against Revesz's claims 2 and 5-8, Revesz's only claims that correspond to Count 1, on all of the foregoing grounds, which means Revesz is not entitled to a patent including any of those claims.

Interference No. 104,204
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Judgment is hereby awarded in favor of Olsson's claims that correspond to the count, i.e., claims 16 and 17, which means Olsson is entitled to a patent including those claims.

OF
APPEALS

_____))
ANDREW H. METZ)
Administrative Patent Judge))
BOARD

_____)) PATENT

WILLIAM F. PATE, III)) AND
Administrative Patent Judge)) INTERFERENCES

_____))
JOHN C. MARTIN)
Administrative Patent Judge)

Interference No. 104,204
Judgment under 37 CFR § 1.640(e)

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