

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 10

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TEXACO, INC.
(Chi-Lin O'Young, Regis J. Pellet,
Alison E. Hadowanetz, John Hazen and James E. Browne)

Junior Party,
(Patent 5,510,560),

v.

DONALD H. POWERS, BRENDAN D. MURRAY,
and BRUCE H. C. WINQUIST,

Senior Party
(Application 07/711,044).

Patent Interference No. 104,593

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFFER and GARDNER-LANE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge

FINAL DECISION

Pending before the board are (1) Texaco's REQUEST FOR ADVERSE JUDGMENT (Paper 8) and (2) Powers' RESPONSE TO TEXACO'S REQUEST FOR ADVERSE JUDGMENT (Paper 7).

Upon consideration of the record, and for the reasons given in the FINAL DECISION in Interference 104,592 (Paper 10, copy attached), it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is entered with prejudice against junior party CHI-LIN O'YOUNG, REGIS J. PELLETT, ALISON E. HADOWANETZ, JOHN HAZEN and JAMES E. BROWNE (real party in interest Texaco, Inc.).

FURTHER ORDERED that junior party CHI-LIN O'YOUNG, REGIS J. PELLETT, ALISON E. HADOWANETZ, JOHN HAZEN and JAMES E. BROWNE is not entitled to a patent containing claims 1-7 (corresponding to Count 1) of U.S. Patent 5,510,560, granted 23 April 1996, based on application 08/112,921, filed 30 August 1993.

FURTHER ORDERED that, if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

FRED E. MCKELVEY, Senior)

Administrative Patent Judge)
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)
)
_____)
RICHARD E. SCHAFER) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES
)
_____)
SALLY GARDNER-LANE)
Administrative Patent Judge)

104,593
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