

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper No. 24

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM L. BURNHAM

Junior Party
(Patent No. 5,192,648)¹,

v.

NAKAO OI and HIROSHI KOMATSUZAKI

Senior Party
(Application 08/390,579)².

Patent Interference No. 104,655

Before SCHAFER, LEE and MEDLEY, Administrative Patent Judges.
LEE, Administrative Patent Judge.

MEMORANDUM OPINION AND JUDGMENT

¹ Based on application 07/838,119, filed February 18, 1992. The real party in interest is Eastman Kodak Company.

² Filed February 17, 1995. Accorded the benefit of application 08/172, 247, filed December 23, 1993; application 07/849,536, filed March 11, 1992, now Patent No. 5,343,265, issued August 30, 1994; and Japanese application 03-70567, filed March 11, 1991. The real party in interest is Fuji Photo Film, Co., Ltd.

On July 2, 2001, senior party Oi filed a paper stating:
"Senior Party Nakao OI and Hiroshi KOMATSUZAKI hereby requests
that an adverse judgment be entered against the Senior Party and
in favor of Junior Party William L. BURNHAM in the present
interference proceeding." The request is **granted**.³ It is

ORDERED that judgment as to the subject matter of the count
is herein entered against senior party NAKAO OI and HIROSHI
KOMATSUZAKI, who thus are not entitled to their application
claims 37-39 which correspond to the count; and

FURTHER ORDERED that a copy of this paper will be given a
paper number and entered in the involved application or patent of
the respective parties.

_____)
RICHARD E. SCHAFER)
Administrative Patent Judge))
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)) BOARD OF PATENT
)) APPEALS
_____))
JAMESON LEE))
Administrative Patent Judge)) AND
)) INTERFERENCES
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))
_____))
SALLY C. MEDLEY))
Administrative Patent Judge))

³ Failure to file a copy of any agreement regarding the
termination of this proceeding may render the agreement and any
resulting patents unenforceable. See section 135(c) and 37 CFR §
1.661 for more details.

By Federal Express:

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