

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 17

Filed by: Trial Section Merits Panel  
Box Interference  
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Filed: May 2, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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IZUMU SAITO, YUMI KANEGAE  
and MICHIO NAKAI

Junior Party,  
Patent 5,700,470

v.

QING WANG, MITCHELL H. FINER  
and XIAO-CHI JIA

Senior Party  
Application 08/333,680

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Patent Interference No. 104,755 (CAS)

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Before: SCHAFFER, TORCZON and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662(a)**

“Pursuant to 37 C.F.R. § 1.662(a), the party Saito hereby abandons the contest as to Count 1 and claims 1-6 corresponding thereto” (Paper 15). Therefore, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 5), the sole count

in the interference, is awarded against junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI;

FURTHER ORDERED that junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI is not entitled to a patent containing claims 1-6 (corresponding to Count 1) of Saito U.S. Patent 5,700,470, issued December 23, 1997, based on application 08/615,048, filed March 12, 1996;

FURTHER ORDERED that a copy of this paper shall be made of record in files of U.S. Patent 5,700,470 and U.S. application 08/333,680;

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661; and

FURTHER ORDERED that the telephone conference call scheduled for May 2, 2002 is cancelled.

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RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
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_____	)	BOARD OF PATENT
RICHARD TORCZON	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
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_____	)	
CAROL A. SPIEGEL	)	
Administrative Patent Judge	)	

cc: (via Fax and Federal Express)

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