

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
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Paper No. 36

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

NAOTO SAEKI

Junior Party
(Patent No. 6,014,243)¹

v.

MASARU FUSE, KUNIAKI UTSUMI
and SATOSHI FURUSAWA

Senior Party,
(Application 09/140,658)²

Patent Interference No. 104,800

Before SCHAFFER, LEE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

MEMORANDUM OPINION AND JUDGMENT

¹ Based on application 09/150,774, filed September 10, 1998. Accorded the benefit of Japanese application 9-265562, filed September 30, 1997. The real party in interest is NEC Corporation.

² Filed August 26, 1998. Accorded the benefit of Japanese application 9-232577, filed August 28, 1997. The real party in interest is Matsushita Electric Industrial Co., Ltd.

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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Interference No. 104,800
Saeki v. Fuse

This interference was declared on February 12, 2002. Preliminary motions are not yet due and no motion of any kind from either party is now pending. On June 17, 2002, junior party Saeki filed a paper which abandons the contest as to the count of the interference and requests entry of adverse judgment.

The request is **GRANTED**.

Judgment

It is

ORDERED that judgment as to the subject matter of Count 1 is hereby entered against junior party NAOTO SAEKI;

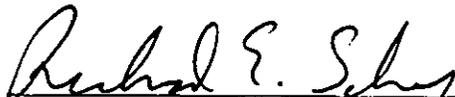
FURTHER ORDERED that junior party NAOTO SAEKI is not entitled to its claims 1-5 and 8 which correspond to Count 1;

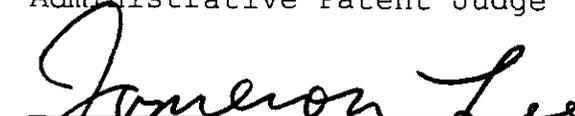
FURTHER ORDERED that on this record, senior party MASARU FUSE, KUNIAKI UTSUMI, and SATOSHI FURUSAWA are entitled to their claims 1-4 which correspond to Count 1;

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

FURTHER ORDERED that a copy of this paper will be entered in each party's involved application or patent.

Interference No. 104,800
Saeki v. Fuse


RICHARD E. SCHAFFER)
Administrative Patent Judge)


JAMESON LEE)
Administrative Patent Judge)


SALLY C. MEDLEY)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

Interference No. 104,800
Saeki v. Fuse

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