

The opinion in support of the decision being entered today is not binding precedent of the Board.

Filed by: Trial Section Merits Panel
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Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FAXED

OCT 28 2003

JOSEPH Y. LEE,
Junior Party,
(U.S. Patent Nos. 5,733,334; 6,066,170
5,855,604 and 5,876,439)¹

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

v.

THOMAS A. SILVESTRINI
Senior Party,
(Application 09/281,623)²

Patent Interference No. 105,020

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

Judgment

¹ The real party in interest is MicroOptix LLC. Accorded the benefit of Application 08/761,362, filed December 9, 1996.

² Filed March 30, 1999. The real party in interest is Addition Technology, Inc. Accorded the benefit of Application 08/976,378, filed November 21, 1997; Application 08/579,451, filed December 27, 1995; and Application 07/927,165, filed August 7, 1992.

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Junior party has failed to file a response to the show cause order dated October 7, 2003.

Accordingly, it is now time appropriate to enter judgment. It is

ORDERED that judgment as to the subject matter of Counts 1 and 2 is herein entered against junior party JOSEPH Y. LEE;

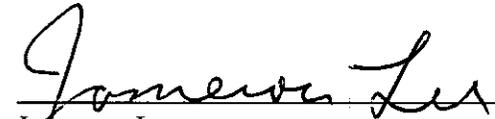
FURTHER ORDERED that junior party JOSEPH Y. LEE is not entitled to claims 28, 30-33, and 35-37 of its Patent No. 5,733,334, claims 1-3 of its Patent No. 6,066,170, claims 18, 20, 21, 25 and 28 of its Patent No. 5,855,604, and claims 1-3, 5-7, 11, and 16-23 of its Patent No. 5,876,439, all of which correspond to Count 1;

FURTHER ORDERED that junior party JOSEPH Y. LEE is not entitled to claims 1, 2 and 6 of its Patent No. 5,733,334, which correspond to Count 2;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.

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Jameson Lee)
Administrative Patent Judge)


Sally C. Medley)
Administrative Patent Judge)


Mark Nagumo)
Administrative Patent Judge)

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