

THIS OPINION IS NOT BINDING PRECEDENT OF THE BOARD

Filed by: Trial Section Merits Panel  
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Paper No. 41

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

KAZUO SANADA,

Junior Party,  
(Patent No. 6,352,379)<sup>1</sup>

v.

JAMES H. REYNOLDS, DAVID H. LEVY, and  
MARK E. IRVING

Senior Party,  
(Application 09/592,243)<sup>2</sup>

Patent Interference No. 105,029

Before LEE, MEDLEY and TIERNEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**Memorandum Opinion and Judgment**

<sup>1</sup> Based on application 08/727,767, filed December 4, 2000. The real party in interest is Fuji Photo Film Co., Ltd.

<sup>2</sup> Filed June 13, 2000. The real party in interest is Eastman Kodak Company.

**FAXED**

**JUN 19 2003**

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

Interference No. 105,029  
Sanada v. Reynolds

**Discussion**

On June 18, 2003, junior party Sanada filed a statutory disclaimer under 37 CFR § 1.321 executed by the assignee of Sanada's involved patent in this interference, Patent No. 6,352,379. By that paper, the junior party has disclaimed all claims 1-31 of Patent No. 6,352,379. The original disclaimer document together with an attached request to charge a deposit account will be placed in the official file of the junior party's involved patent for appropriate processing and a copy will be retained in the interference file. Claims 1-31 of Patent No. 6,352,379, are all the claims of the junior party's involved patent which correspond to the count.

Also on June 18, 2003, junior party Sanada filed a motion referring to 37 CFR § 1.662(a) and the statutory disclaimer of claims 1-31, requesting entry of adverse judgment against Sanada. Per 37 CFR § 1.662(a), the filing by a party of a written disclaimer of the invention defined by a count will be treated as a request for entry of adverse judgment. Because of the junior party's reference to 37 CFR § 1.662(a), we will construe the disclaimer filed by the junior party as a written disclaimer of the invention defined by the count, in addition to a disclaimer of claims 1-31 which correspond to the count.

The request for entry of adverse judgment is **granted**.

**Judgment**

It is

**ORDERED** that judgment as to the subject matter of Count 1 is herein entered against junior party KAZUO SANADA;



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Sanada v. Reynolds

By Facsimile

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