

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AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Tel: 571-272-9797 Fax: 571-273-0042

Paper No. 41
Entered October 27, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TAKESHI MATSUSHITA and
HIROSHI TAYANAKA
Junior Party
(Patent 5,811,348)¹

v.

KIYOFUMI SAKAGUCHI and
TAKAO YONEHARA
Senior Party
(Application 09/161,774)²

Patent Interference No. 105,263

Before SCHAFER, LEE, and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment – Bd. Rule 127(b)

¹ Based on Application 08/595,382, filed February 1, 1996. The real party in interest is Sony Corporation.

² Filed September 29, 1998. Accorded the benefit of Application 08/863,717, filed May 27, 1997; Application 08/401,237, filed March 9, 1995; Japanese Application 7-045441, filed March 6, 1995; and Japanese Application 6-039389, filed March 10, 1994. The real party in interest is Canon Kabushiki Kaisha.

Interference No. 105,263
Matsushita v. Sakaguchi

Junior party Matsushita filed a paper conceding priority to the senior party as to the subject matter of the count. (Paper No. 29) Junior party Matsushita also filed Substantive Motion 1 seeking to designate its involved claims 6, 7 and 9 as not corresponding to the count. The motion has been denied. (Paper No. 40) The concession of priority is treated as a request for entry of adverse judgment. The request is herein **granted**.

It is

ORDERED that judgment as to the subject matter of Count 1 is entered against junior party TAKESHI MATSUSHITA and HIROSHI TAYANAKA;

FURTHER ORDERED that junior party TAKESHI MATSUSHITA and HIROSHI TAYANAKA is not entitled to its patent claims 1-7 and 9-11 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

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

Interference No. 105,263
Matsushita v. Sakaguchi

<u>/ss/ Richard E. Schafer</u>)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
)	
)	
<u>/ss/ Jameson Lee</u>)	BOARD OF PATENT
JAMESON LEE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
<u>/ss/ James T. Moore</u>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

Interference No. 105,263
Matsushita v. Sakaguchi

By Facsimile:

Counsel for Junior Party Matsushita:

312-876-7934 (Fax)
David R. Metzger, Esq.
SONNENSCHNEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station
Sears Tower
Chicago, Illinois 60606-1080

Counsel for Senior Party Sakaguchi:

212-218-2200 (Fax)
Anthony M. Zupcic, Esq.
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800