

**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AND IS NOT BINDING PRECEDENT OF THE BOARD**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. 39  
Entered October 5, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**FAXED**

**OCT 5 - 2005**

KENTARO MORI, TAKAHIDE TANAKA,  
AKIRA NAKAGAWA and IWAO KOJIMA  
Junior Party  
(U.S. Patent No. 6,547,741)<sup>1</sup>

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

v.

DIRK FREUND, FRED SCHNAK  
MARTIN GIERSIEPEN, FRANK KRESSMANN  
and BRIGITTE HARTTMANN  
Senior Party  
(Application 09/582,471)<sup>2</sup>

Patent Interference No. 105,287

Before LEE, MOORE and POTEATE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

**Judgment – Bd. Rule 127**

<sup>1</sup> Based on application 09/977,383, filed October 16, 2001. Accorded the benefit of application 09/582,985, filed July 10, 2000, and PCT application PCT/JP99/00082, filed January 13, 1999. The real party in interest is Omron HealthCare Co., Ltd., a wholly-owned subsidiary of Omron Corporation.

<sup>2</sup> Filed August 15, 2000. Accorded the benefit of PCT application PCT/EP98/08429, filed December 23, 1998. The real party in interest is The Gillette Company.

Interference No. 105,287  
Mori v. Freund

All of Mori's claims corresponding to the count have been held unpatentable under 35 U.S.C. § 112, first paragraph, for lack of written description in the specification. See Decision on Freund's Motion 1 (Paper No. 38). Entry of judgment is now appropriate. It is

**ORDERED** that judgment is herein entered against junior party KENTARO MORI, TAKAHIDE TANAKA, AKIRA NAKAGAWA and IWAO KOJIMA;

**FURTHER ORDERED** that junior party KENTARO MORI, TAKAHIDE TANAKA, AKIRA NAKAGAWA and IWAO KOJIMA is not entitled to its patent claims 4, 5 and 6;

**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.

/ss/ Jameson Lee )  
JAMESON LEE )  
Administrative Patent Judge )

/ss/ James T. Moore )  
JAMES T. MOORE )  
Administrative Patent Judge )

/ss/ Linda Poteate )  
LINDA POTEATE )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

Interference No. 105,287  
Mori v. Freund

By Facsimile:

Attorney for junior party Mori:

703-760-7777 (Fax)  
Barry E. Bretschneider, Esq.  
Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 300  
McLean, Virginia 22101

Attorney for senior party Freund:

202-739-3001 (Fax)  
Paul N. Kokulis, Esq.  
Morgan Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004