

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 29

Filed: June 21, 2006

Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

Olympus Optical Co., LTD.,
Junior Party
(Patents: 6,195,207; 6,317,267 & 5,875,056
Named Inventor: Koichi Takahashi)

v.

Canon Kabushiki Kaisha,
Senior Party
(Application 09/511,243
Named Inventors: Shoichi Yamazaki and Takeshi Nishimura).

Patent Interference No. 105,343 (RES)
(Technology Center 2800)

Before: SCHAFFER, MOORE and NAGUMO, Administrative Patent Judges.
SCHAFFER, Administrative Patent Judge.

Judgment - Request for Adverse - Bd.R. 127(b)

Olympus has requested entry of adverse judgment with respect to the subject matter of the Count. Paper 28.

Accordingly , it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 3) is awarded against the junior party, Olympus Optical Co., LTD. (Patents 6,195,207; 6,317,267 and 5,875,056);

FURTHER ORDERED that junior party, Olympus Optical Co., LTD., is not entitled to a patent containing Claims 1-11 of Patent 6,317,267; Claims 1, 2 and 8-14 of Patent 6,195,207; and Claims 1, 3-10, 14-15, 17/10, 17/14-15, 18/5-7,18/10,18/14-15, 19/5-7, 19/10, 19/14-15, 20/5-7, 20/10, 20/14-15, 21/5-7, 21/10, 21/14-15 and 22-24 of Patent 5,875,056 (all corresponding to Claim 1);

FURTHER ORDERED that a copy of this judgment be made of record in the files of U.S. Patents 6,195,207; 6,317,267 and 5,875,056 and Application 09/511,243;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Richard E. Schafer/</u>)
RICHARD E. SCHAFER)
Administrative Patent Judge)
)
<u>/James T. Moore/</u>) BOARD OF PATENT
JAMES T. MOORE) APPEALS AND
Administrative Patent Judge) INTERFERENCES
)
<u>/Mark Nagumo/</u>)
MARK NAGUMO)
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