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Paper 21

Filed: 13 January 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KAZUTO NORITAKE and TOSHIFUMI YAMAJI

Junior Party,
(Patent 6,410,358),

v.

KAZUHIKO TSUDA, KAZUHIRO ISHIZUKA

and HIROYUKI OHGAMI
Senior Party,
(Application 09/406,684).

Patent Interference No. 105,357

Before: TORCZON, MEDLEY and MOORE, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

On 12 January 2006, the board received from the party Noritake ‘NORITAKE REQUEST FOR ENTRY OF ADVERSE JUDGMENT’ (Paper 20) in which Noritake requests and agrees to adverse judgment with respect to the subject matter of the count.

Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 4), the sole count in the interference is awarded against junior party KAZUTO NORITAKE and TOSHIKUMI YAMAJI.

FURTHER ORDERED that junior party KAZUTO NORITAKE and TOSHIKUMI YAMAJI is not entitled to a patent containing claims 1-9 (corresponding to Count 1) of U.S. patent 6,410,358.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/406,684 and U.S. Patent 6,410,358.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

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/ss/ Richard Torczon)
RICHARD TORCZON)
Administrative Patent Judge)
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)
/ss/ Sally C. Medley) BOARD OF PATENT
SALLY C. MEDLEY) APPEALS AND
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