

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
The opinion was not written for publication and is not binding precedent of the Board.

Paper 21

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed: August 1, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

OLYMPUS OPTICAL, CO., LTD.,
Junior Party
(Patent 6,018,423,
Inventor: Koichi Takahashi),

v.

CANON KABUSHIKI KAISHA,
Senior Party
(Application 09/768,306
Inventors: Shoichi Yamazaki and Takeshi Nishimura).

Patent Interference 105,435 (RES)
(Technology Center 2800)

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

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

PER CURIUM

Olympus has filed a paper requesting entry of an adverse judgment in this interference under 37 CFR § 41.104(c). Paper 20. 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.;

FURTHER ORDERED that junior party, OLYMPUS OPTICAL, CO., LTD., is not entitled to a patent containing claims 1-42 (corresponding to Count 1) of Patent 6,018,423;

FURTHER ORDERED that a copy of this judgment be made of record in the file of Patent 6,018,423 and Application 09/768,306;

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 § 1.661.

<u>/Richard E. Schafer/</u>)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
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<u>/Sally C. Medley/</u>)	BOARD OF PATENT
SALLY C. MEDLEY)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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)	
<u>/James T. Moore/</u>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

cc (e-mail):

Attorney for Canon Kabushiki Kaisha:

Anthony M. Zupcic
Robert H. Fischer
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Tel: 212-218-2100
Fax: 212-218-2200
E-mail: azupcic@fchs.com

Attorney for Olympus Corporation

Jeffrey D. Karceski
Guillermo E. Baeza
PILLSBURY WINTHROP SHAW PITTMAN
LLP
1650 Tysons Boulevard
McLean, Virginia 22102
Telephone: 703-770-7900
Facsimile: 703-770-7901
E-mail: jeffrey.karceski@pillsburylaw.com