

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHING-WU CHU,
Junior Party¹

v.

KOICHI KUGIMIYA, SEIJI ADACHI, OSAMU INOUE
and SYUNICHIRO KAWASHIMA,
Junior Party,²

v.

HANS-GEORG VON SCHNERING, WINFRIED BECKER, MARTIN SCHWARZ, BERNHARD
HETTICH, MARTIN HARTWEG, LEONHARD WALZ and THOMAS POPP,
Junior Party,³

v.

¹Application 07/163,956, filed March 3, 1988. Assigned to the University of Houston, Houston, Texas.

²Application 07/550,795, filed July 9, 1990. Accorded the benefit of U.S. Application 07/306,305, filed February 3, 1989, and Japanese Applications 63-26128, filed February 5, 1988, 63-26129, filed February 5, 1988 and 63-26130, filed February 5, 1988. Assigned to Matsushita Electric Industrial Co., Ltd., Osaka, Japan.

³Application 07/525,547, filed May 18, 1990. Accorded the benefit of U.S. Application 07/305,854, filed February 2, 1989, and German Application P3803530.8, filed February 5, 1988. According to the record in this interference, the application is unassigned.

Interference No. 102,462

JAGANNATHA GOPALAKRISHNAN, ARTHUR W. SLEIGHT
and MUNIRPALLAM A. SUBRAMANIAN,
Junior Party,⁴

v.

HIROSHI MAEDA, YOSHIAKI TANAKA,
MASAO FUKUTOMI and TOSHIHISA ASANO
Senior Party⁵

Patent Interference No. 102,462

Before, CAROFF, PATE and HANLON, Administrative Patent Judges.
HANLON, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.640(e)

Junior parties Kugimiya et al. and von Schnering et al. were ordered to show cause why judgment should not be entered against them under 37 CFR § 1.640(d)(3). See Paper Nos. 391 and 392. In addition, junior parties Chu and Gopalakrishnan et al. were ordered to show cause why judgment should not be entered against them under 37 CFR § 1.640(d)(1). See Paper Nos. 393 and 394.

⁴Application 07/528,270, filed May 24, 1990. Accorded the benefit of U.S. Applications 07/153,107, filed February 8, 1988, and 07/152,186 filed February 4, 1988. Assigned to E.I. du Pont de Nemours and Co., Wilmington, Delaware.

⁵Application 07/293,465, filed January 4, 1989. Accorded the benefit of Japanese Application 10084/1988, filed January 20, 1988. Assigned to National Research Institute for Metals, Tokyo, Japan.

Interference No. 102,462

Junior parties Kugimiya et al. and von Schnering et al. each filed responses to the order to show cause, but both failed to show good cause why judgment should not be entered against them. See Paper No. 407. Junior parties Chu and Gopalakrishnan et al., on the other hand, did not respond to the order to show cause, and the time for responding to the order has expired. Therefore, judgment under 37 CFR § 1.640(e) is hereby entered.

Judgment⁶

Judgment as to Count 4, the sole count in issue, is entered against junior party Ching-Wu Chu. Ching-Wu Chu is not entitled to a patent containing claims 1-4, 6, 8, 9, 13 and 15-17 of Application 07/163,956, filed March 3, 1988, which correspond to Count 4.

Judgment as to Count 4 is entered against Kouichi Kugimiya, Seiji Adachi, Osamu Inoue and Syunichiro Kawashima. Kouichi Kugimiya, Seiji Adachi, Osamu Inoue and Syunichiro Kawashima are not entitled to a patent containing claims 12 and 13 of Application 07/550,795, filed July 9, 1990, which correspond to Count 4.

⁶Junior party Gopalakrishnan et al. does not have any claims which correspond to Count 4. See Decision on motion (10) in Decision on Motions dated August 14, 2001 (Paper No. 389, pp. 11-18) and Redeclaration dated August 14, 2001 (Paper No. 390).

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Judgment as to Count 4 is entered against Hans-Georg von Schnering, Winfried Becker, Martin Schwarz, Bernhard Hettich, Martin Hartweg, Leonhard Walz and Thomas Popp. Hans-Georg von Schnering, Winfried Becker, Martin Schwarz, Bernhard Hettich, Martin Hartweg, Leonhard Walz and Thomas Popp are not entitled to a patent containing claims 40-50 of Application 07/525,547, filed May 18, 1990, which correspond to Count 4.

Judgment as to Count 4 is awarded in favor of senior party Hiroshi Maeda, Yoshiaki Tanaka, Masao Fukutomi and Toshihisa Asano. Based on the record before the U.S. Patent and Trademark Office in this interference, Hiroshi Maeda, Yoshiaki Tanaka, Masao Fukutomi and Toshihisa Asano are entitled to a patent containing claims 1-5 of Application 07/293,465, filed January 4, 1989, which correspond to Count 4.

MARC L. CAROFF)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
WILLIAM F. PATE, III)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
ADRIENE LEPIANE HANLON)	
Administrative Patent Judge)	

Interference No. 102,462

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