

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 45

Richard E. Schafer
Administrative Patent Judge
Box Interference
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Filed:
13 December 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KOJI NOZAKI and EI YANO,
Junior Party
(Applications 09/015,287 and 09/080,530),

v.

YASUNORI UETANI, HIROAKI FUJISHIMA
and YOSHIKO MIYA,
Junior Party
(Application 09/014,915),

v.

HIDEO HADA, KAZUFUMI SATO
and HIROSHI KOMANO
Senior Party
(Application 09/012,827).

Patent Interference No. 104,664

Before: SCHAFFER, LEE and SPIEGEL, Administrative Patent Judges.
SCHAFFER, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Junior party Uetani and Senior party Hada have filed concessions of priority as to the subject matter of Count 2, the sole count in this interference. Papers 40 and 41. A concession of priority is treated as a request for adverse judgment. 37 CFR § 1.662(a). Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 2 (Paper 34, p. 2), is awarded against the junior party, YASUNORI UETANI, HIROAKI FUJISHIMA and YOSHIKO MIYA, and against senior party, HIDEO HADA, KAZUFUMI SATO and HIROSHI KOMANO;

FURTHER ORDERED that junior party, YASUNORI UETANI, HIROAKI FUJISHIMA and YOSHIKO MIYA, is not entitled to a patent containing claims 1-3, 5-6 and 9-18 (corresponding to Count 2) of Application 09/014,915;

FURTHER ORDERED that senior party, HIDEO HADA, KAZUFUMI SATO and HIROSHI KOMANO, is not entitled to a patent containing claims 1-6 and 8 (corresponding to Count 2) of Application 09/012,827;

FURTHER ORDERED that a copy of this judgment be made of record in Applications 09/015,287; 09/080,530; 09/014,915 and 09/012,827; and

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.

_____)
RICHARD E. SCHAFER)
Administrative Patent Judge)
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JAMESON LEE)
Administrative Patent Judge)
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_____)
CAROL A. SPIEGEL)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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