

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 23

Filed by: Merits Panel
Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES A. **HOXIE**,

Junior Party¹
(Patent No. 5,994,515),

v.

YI **LI**
and STEVEN M. RUBEN,

Senior Party²
(Application No. 09/339,912).

Patent Interference 105,059 (NAGUMO)

Before: LEE, TIERNEY, and NAGUMO, Administrative Patent Judges.
NAGUMO, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the REQUEST BY HOXIE UNDER 37 CFR
§ 1.662 (Paper 22), it is

ORDERED that judgment on priority as to Count 1, the

¹ Hoxie has been accorded benefit for priority of its filing date, June 25, 1997.

² Li has been accorded benefit for priority of parent application 08/466,343 (filed June 6, 1995, now U.S. Patent No. 6,025,154).

sole count in the interference, is awarded against junior party HOXIE.

FURTHER ORDERED that junior party HOXIE is not entitled to a patent containing claims 1-5, 7, and 8 (corresponding to Count 1)³ of patent 5,994,515.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/339,912 and U.S. Patent 5,994,515.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

_____)	
JAMESON LEE)	
Administrative Patent Judge)	
)	
)	BOARD OF PATENT
)	APPEALS AND
_____)	INTERFERENCES
MICHAEL P. TIERNEY)	
Administrative Patent Judge)	INTERFERENCE
)	TRIAL SECTION
)	
_____)	
MARK NAGUMO)	
Administrative Patent Judge)	

³ The statement that Hoxie's claims 6 and 8 do not correspond to the count (Paper 1 at 5) contains a typographical error: claim 8 corresponds to the count; claim 9 does not correspond to the count.

cc (via facsimile and First Class Mail):

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