

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 31

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MARC G. ACHEN,
ANDREW F. WILKS, STEVEN A. STACKER,
and KARI ALITALO

Junior Party,
(Patent 6,235,713),

v.

YUICHI HIRATA
and JUNICHI NEZU

Senior Party,
(Application 09/214,982).

Patent Interference No. 105,098

Before SCHAFER, LANE, and MEDLEY, Administrative Patent Judges.

LANE, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

A paper entitled “ACHEN REQUEST FOR ENTRY OF ADVERSE JUDGMENT” stating that “junior party Achen hereby concedes priority of the subject matter of the sole count in this interference” has been filed by Achen (Paper 30).

A concession of priority is treated as a request for entry of adverse judgment. 37 CFR § 1.662(a). Accordingly, it is appropriate to enter judgment against Achen.

Upon consideration of the record of the interference and for reasons given, it is

ORDERED that judgment as to Count 1, the sole count in the interference, is awarded against junior party MARC G. ACHEN, ANDREW F. WILKS, STEVEN A. STACKER, and KARI ALITALO;

FURTHER ORDERED that junior party MARC G. ACHEN, ANDREW F. WILKS, STEVEN A. STACKER, and KARI ALITALO, is not entitled to a patent containing claims 1-16 of patent 6,235,713, which correspond to Count 1, the sole count in the interference; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Hirata's 09/214,982 application and Achen's 6,235,713 patent.

_____)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
_____)	APPEALS AND
SALLY GARDNER LANE)	INTERFERENCES
Administrative Patent Judge)	
)	
)	
)	
_____)	
SALLY C. MEDLEY)	
Administrative Patent Judge)	

cc (via facsimile and first class mail):

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