

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 17

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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ERIC EDWARD FULLERTON, BRUCE DAVID TERRIS
and KLAUS WELLER

Junior Party,
(Patent 6,391,430),

v.

YOSHIAKI HARA, TAKAHIKO SUGAWARA,
YUTAKA SHIMIZU, TAKUYA UZUMAKI, and ATSUSHI TANAKA

Senior Party,
(Application 09/654,487).

Patent Interference No. 105,110

Before SPIEGEL, LANE and MEDLEY, Administrative Patent Judges.

Medley, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the FULLERTON DISCLAIMER OF CLAIMS
CORRESPONDING TO THE COUNT AND REQUEST FOR ENTRY OF ADVERSE

JUDGMENT UNDER 37 C.F.R. §1.662(a) (Paper 15), in which party Fullerton requests adverse judgment, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 5), the sole count in the interference, is awarded against junior party ERIC EDWARD FULLERTON, BRUCE DAVID TERRIS and KLAUS WELLER.

FURTHER ORDERED that junior party ERIC EDWARD FULLERTON, BRUCE DAVID TERRIS and KLAUS WELLER is not entitled to a patent containing claims 1-5 and 8-12 (corresponding to Count 1) of U.S. patent 6,391,430.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/654,487 and U.S. Patent 6,391,430.

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

_____)	
CAROL A. SPIEGEL)	
Administrative Patent Judge)	
)	
)	
_____)	BOARD OF PATENT
SALLY GARDNER LANE)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
SALLY C. MEDLEY)	
Administrative Patent Judge)	

cc (via facsimile):

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