

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HANS P. SCHAD, STEPHEN M. KELLY, EIKE POETSCH,
REINHARD HITTICH and GEORG WEBER

Junior Party,¹

v.

YASUYUKI GOTO, SHIGERU SUGIMORI
and TETSUYA OGAWA

Senior Party.²

Interference No. 103,888

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

¹ Application 08/041,349, filed April 1, 1993. Accorded Benefit of U.S. Applications 07/444,251, filed December 1, 1989 and 06/815,708, filed December 16, 1985, now Patent No. 4,710,315, issued December 1, 1987. Assignor to Merck GmbH.

² Application 06/867,680, filed May 28, 1986, now U.S. Patent No. 4,797,228, issued January 10, 1989. Assignor to Chisso Corporation, Osaka, Japan.

Interference No. 103,888

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT

Goto et al., the senior party, have filed a request for entry of an adverse judgment. Pursuant to 37 CFR § 1.662(a), judgment as to the subject matter of the counts in issue is hereby awarded to Hans P. Schad, Stephen M. Kelly, Eike Poetsch Reinhard Hittich and Georg Weber, the junior party. Accordingly, Yasuyuki Goto, Shigeru Sugimori and Tetsuya Ogawa are not entitled to a patent containing claims 1, 2, 4 and 5 corresponding to the counts.

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
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MICHAEL SOFOCLEOUS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
MARY F. DOWNEY)	
Administrative Patent Judge)	

Interference No. 103,888

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