

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 31

Filed by: Interference Trial Section Merits Panel  
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Filed:  
26 April 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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HIDESHI UCHINO, JUNE ENDO, TOSHIHIKO SUGANO,  
TOMOHIKO TAKAHAMA, TAKU KATO,  
EIJI TANIYAMA and NAOSHI IWAMA,  
Junior Party,  
(Patent 5,594,081),

v.

LUIGI RESCONI, ILYA E. NIFANT'EV, YURI A. DUBITSKY,  
ELISABETTA BARBASSA, COLIN J. SCHAUVERIEN  
and RENE ERNST,  
Senior Party,  
(Application 08/655,729).

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Patent Interference No. 104,641

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Before: SCHAFER, MEDLEY and TIERNEY, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Resconi has filed a paper requesting and agreeing to entry of an adverse judgment under 37 CFR § 1.662. Paper 29. Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p.5), is awarded against the senior party, LUIGI RESCONI, ILYA E. NIFANT'EV, YURI A. DUBITSKY, ELISABETTA BARBASSA, COLIN J. SCHAVERIEN and RENE ERNST;

FURTHER ORDERED that senior party, LUIGI RESCONI, ILYA E. NIFANT'EV, YURI A. DUBITSKY, ELISABETTA BARBASSA, COLIN J. SCHAVERIEN and RENE ERNST, is not entitled to a patent containing claims 1-5 (corresponding to Count 1) of Application 08/655,729;

FURTHER ORDERED that if there be a settlement agreement that the parties are advised of the requirement to file a copy of the agreement (35 U.S.C. § 135(c); and

FURTHER ORDERED that a copy of this judgment be made of record in Application 08/655,729 and in the file history of Patent 5,594,081.

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RICHARD E. SCHAFER )  
Administrative Patent Judge )  
)  
) BOARD OF PATENT  
\_\_\_\_\_)  
SALLY C. MEDLEY )  
Administrative Patent Judge ) APPEALS AND  
)  
) INTERFERENCES  
\_\_\_\_\_)  
MICHAEL P. TIERNEY )  
Administrative Patent Judge )

cc (via Fax and Federal Express):

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