

Filed by: APJ Adriene Lepiane Hanlon
Box Interference
Washington, D.C. 20231
Tel: 703-308-9896
Fax: 703-308-7953

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JEFFREY L. TALLON, ROBERT G. BUCKLEY and MURAY R. PRESLAND,
Junior Party,¹

v.

CHING-WU CHU,
Junior Party,²

v.

KOUICHI KUGIMIYA, SEIJI ADACHI, OSAMU INOUE
and SYUNICHIRO KAWASHIMA,
Junior Party,³

v.

¹Application 07/335,819, filed April 10, 1989. Accorded the benefit of New Zealand Application 224,205, filed April 8, 1988. Assigned to Her Majesty the Queen in Right of New Zealand.

²Application 07/163,956, filed March 3, 1988. Assigned to the University of Houston, Houston, Texas.

³Application 07/550,795, filed July 9, 1990. Accorded the benefit of U.S. Application 07/306,305, filed February 3, 1989, and Japanese Applications 63-26128, filed February 5, 1988, 63-26129, filed February 5, 1988, and 63-26130, filed February 5, 1988. Assigned to Matsushita Electric Industrial Co., Ltd., Osaka, Japan.

Interference No. 102,462

HANS-GEORG VON SCHNERING, WILFRIED BECKER,
MARTIN SCHWARZ, BERNHARD HETTICH,
MARTIN HARTWEG, LEONHARD WALZ and THOMAS POPP,
Junior Party,⁴

v.

JAGANNATHA GOPALAKRISHNAN, ARTHUR W. SLEIGHT
and MUNIRPALLAM A. SUBRAMANIAN,
Junior Party,⁵

v.

HIROSHI MAEDA, YOSHIAKI TANAKA,
MASAO FUKUTOMI and TOSHIHISA ASANO,
Senior Party.⁶

Patent Interference No. 102,462

Before CAROFF, PATE and HANLON, Administrative Patent Judges.

HANLON, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.658(a)

In accordance with the DECISION UNDER 37 CFR § 1.658 mailed on March 29, 2001 (Paper No. 383), it is hereby adjudged that an

⁴Application 07/525,547, filed May 18, 1990. Accorded the benefit of U.S. Application 07/305,854, filed February 2, 1989, and German Application P3803530.8, filed February 5, 1988.

⁵Application 07/528,270, filed May 24, 1990. Accorded the benefit of U.S. Applications 07/153,107, filed February 8, 1988, and 07/152,186, filed February 4, 1988. Assigned to E.I. du Pont de Nemours and Co., Wilmington, Delaware.

⁶Application 07/293,465, filed January 4, 1989. Accorded the benefit of Japanese Application 10084/1988, filed January 20, 1988. Assigned to National Research Institute for Metals, Tokyo, Japan.

Interference No. 102,462

interference-in-fact does not exist between claims 117-119 and 121 of junior party Tallon et al. and any of the claims of junior party Chu, junior party Kugimiya et al., junior party von Schnering et al., junior party Gopalakrishnan et al. and senior party Maeda et al. which were designated as corresponding to Count 3. Therefore, based on the record before the United States Patent and Trademark Office in this interference, Jeffrey L. Tallon, Robert G. Buckley and Muray R. Presland are entitled to a patent containing the subject matter of claims 117-119 and 121 of Application 07/335,819, filed April 10, 1989.⁷

MARC L. CAROFF)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
WILLIAM F. PATE, III)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
ADRIENE LEPIANE HANLON)	
Administrative Patent Judge)	

ALH:svt

⁷We note that in the Interference - Initial Memorandum (Form PTO-850), the examiner indicated that Tallon claim 119, along with Tallon claim 120, are "not allowed."

Interference No. 102,462

Attorneys for Tallon et al.:

Sam Pasternack, Esq.
CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109

Attorneys for Chu:

Charles M. Cox, Esq.
AKIN, GUMP, STRAUSS,
HAUER & FELD, LLP
711 Louisiana
Suite 1900
Houston, TX 77002

Attorneys for Kugimiya et al.:

Paul F. Prestia, Esq.
One Westlakes, Berwyn
P.O. Box 980
Suite 301
Valley Forge, PA 19482-0980

Attorneys for Von Schnering et al.:

Rudolf E. Hutz, Esq.
CONNOLLY & HUTZ
1220 Market Building
P.O. Box 2207
Wilmington, DE 19899

Attorneys for Gopalakrishnan et al.:

Gerald E. Deitch, Esq.
DuPont Legal
BMP 17/2120
P.O. Box 80017
Wilmington, DE 19880-0017

Interference No. 102,462

Attorneys for Maeda et al.:

Matthew Jacob, Esq.
WENDEROTH, LIND & PONACK, LLP
2033 K Street, N.W.
Suite 800
Washington, D.C. 20006