

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 62

Filed by: Interference Trial Section Merits Panel
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Filed:
25 February 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WALLACE T. Y. TANG

Junior Party,
(Application 07/996,817),

v.

HERBERT E. LITVAK

Senior Party
(Patent 5,499,733).

HERBERT E. LITVAK

Junior Party
(Patent 5,499,733),

v.

WALLACE T. Y. TANG

Senior Party,
(Application 07/996,817).

Before: SCHAFER, LEE and SPIEGEL, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

Each party has filed a contingent request for adverse judgment. All stated contingencies have been met. Litvak requests entry of adverse judgment as to the subject matter of Count 2. Paper 54. Tang requests entry of judgment as to the subject matter of Count 3.¹ Paper 59. The requests are granted.

Accordingly it is,

ORDERED that judgment on priority as to the subject matter of Count 2 (Paper 61, p. 2) is awarded against the party, HERBERT E. LITVAK;

FURTHER ORDERED that the party, HERBERT E. LITVAK, is not entitled to a patent containing claims 5-7, 8(5), 8(6) 9(5), 9(6), 13 and 19 (corresponding to Count 2) of Patent 5,499,733;

FURTHER ORDERED that judgment on priority as to the subject matter of Count 3 (Paper 61, p. 3) is awarded against the party, WALLACE T. Y. TANG;

FURTHER ORDERED that the party, WALLACE T. Y. TANG, is not entitled to a patent containing claims 55-58, 64, 67, 71(64), 73, 75, 77-81, 83, 84 and 86 (corresponding to Count 3) of Application 07/996,817;

FURTHER ORDERED that a copy of this judgment be made of record in Application 07/996,817 and Patent 5,499,733; and

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

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_____)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
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_____)	BOARD OF PATENT
JAMESON LEE)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
CAROL A. SPIEGEL)	
Administrative Patent Judge)	

cc (Fed Ex):

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