

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper 8

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

MICHAEL R. SCHRAMM,

Junior Party,  
(Application 08/890,522),

v.

JEFFREY S. SWANBERG and JAMES P. KARLOW

Senior Party  
(Patent 5,707,078).

---

Patent Interference No. 104,501

---

Before: McKELVEY, Senior Administrative Patent Judge, and  
SCHAFER and LEE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

On 5 April 2000, Yolunda Townes, Paralegal, Trial Section had a telephone conversation with Michael R. Schramm, the junior party. During the telephone conversation, Mr. Schramm

indicated that he did not wish to pursue the interference. Since, Mr. Schramm is junior party and does not wish to further contest the interference, it is appropriate to enter a judgment on priority against him.

Upon consideration of the record, including the telephone conversation between Mr. Schramm and Ms. Townes, it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party Michael R. Schramm.

FURTHER ORDERED that judgment on priority as to Count 1 is awarded in favor of senior party Jeffrey S. Swanberg and James P. Karlow.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party Jeffrey S. Swanberg and James P. Karlow is entitled to a patent containing claims 1 and 3 (corresponding to Count 1) of U.S. Patent 5,707,078, granted 13 January 1998, based on application 08/756,815, filed 26 November 1996.

FURTHER ORDERED that junior party Michael R. Schramm is not entitled to a patent containing claims 41-45, 47-52, 54-58 and 60 (corresponding to Count 1) of application 08/890,522, filed 9 July 1997.

FURTHER ORDERED that all times for taking action previously set in the interference are vacated and the parties need not file any additional papers.

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

_____	)	
FRED E. MCKELVEY, Senior	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	
RICHARD E. SCHAFER	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
_____	)	
JAMESON LEE	)	
Administrative Patent Judge	)	

104,501  
cc (via First Class Mail):

Address for Schramm:

Michael R. Schramm  
350 West 2000 South  
Perry, Utah 84302

Tel: 435-734-6769  
Fax: None  
E-mail: None

Attorney for Swanberg  
(real party in interest  
Takata, Incorporated)

David P. Utykanski, Esq.  
Michael P. Brennan, Esq.  
HARNESS, DICKEY & PIERCE P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303

Address for overnight mail:

5445 Corporate Drive  
Suite 400  
Troy, MI 48098

Tel: 248-641-1600  
Fax: 248-641-0270  
E-mail: dputykansi@hdp.com  
E-mail: mpbrennan@hdp.com

Charles L. Gholz, Esq.  
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.  
1755 Jefferson Davis Highway, Fourth Floor  
Arlington, VA 22202

Tel: 703-412-6485  
Fax: 703-413-2220  
E-mail: None