

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 16

Filed by: Interference Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HIROSHI KANNO

Junior Party,
(Patent 5,998,005),

v.

PAUL MARY FLYNN, RICHARD LEON McCONNELL,
HUBERTUS JACOBUS WILHELMUS MOOLENAAR
and TIMOTHY MICHAEL SANDERS

Senior Party
(Application 09/576,425).

Patent Interference No. 104,663

Before: SCHAFER, LEE and GARDNER-LANE, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Kanno has filed a paper withdrawing from the interference proceeding. Paper 15. The paper is considered a request for entry of adverse judgment under 37 CFR § 1.662. Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p.5), is awarded against the junior party, HIROSHI KANNO;

FURTHER ORDERED that junior party, HIROSHI KANNO, is not entitled to a patent containing claims 1, 3, 5, 9 and 11 (corresponding to Count 1) of U.S. Patent 5,998,005;

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 09/576,425 and in the file history of Patent 5,998,005.

_____)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
_____)	BOARD OF PATENT
JAMESON LEE)	
Administrative Patent Judge)	APPEALS AND
)	
_____)	INTERFERENCES
SALLY GARDNER-LANE)	
Administrative Patent Judge)	

cc (via Fax and Federal Express):

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