

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

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Paper No. 62

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAHMUD ASSAR,

Junior Party,¹

v.

KARL M.J. LOFGREN, ROBERT D. NORMAN,
GREGORY B. THELIN, and ANIL GUPTA,

Senior Party.²

Patent Interference No. 103,607

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

LEE, Administrative Patent Judge.

JUDGMENT

On October 6, 1999, a panel of this Board rendered a

¹ Patent No. 5,388,083, based on application 08/038,668, filed March 26, 1993. Assigned to Lexar Microsystems, Inc.

² Application 07/759,212, filed September 13, 1991. The real parties of interest are Sandisk Corporation and Western Digital Corporation.

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final decision in this case and issued an order for senior party Lofgren to show cause, within twenty (20) days of the order, as to why judgment should not be entered against senior party Lofgren on the ground that all of senior party's claims corresponding to the count are unpatentable to the senior party and why senior party Lofgren's preliminary motion 3 which was not decided in the final decision still need to be decided (Paper No. 58). Senior party Lofgren responded to the show cause order in a paper filed on October 25, 1999 (Paper No. 59), by withdrawing its preliminary motion 3. Henceforth, the only matter remaining is that of entering judgment in this proceeding. It is

ORDERED that senior party Lofgren, i.e., KARL M.J. LOFGREN, ROBERT D. NORMAN, GREGORY B. THELIN, and ANIL GUPTA, are not entitled to their application claims 33 and 34 which correspond to the count;

FURTHER ORDERED that on this record, junior party Assar, i.e., MAHMUD ASSAR, is entitled to patent claims 1-4 and 10-13 which correspond to the count; and

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By Federal Express

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