

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No.

18

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BARRY A. MAHLER and RALPH N. MILLER,

Junior Party,

v.

ATSUO NISHIMURA and REIJI TAKAHASHI,

Senior Party.

Patent Interference No. 103,787

Before: METZ, Administrative Patent Judge, and
McKELVEY, Senior Administrative Patent Judge, and
HANLON, Administrative Patent Judge.

McKELVEY, Senior Administrative Patent Judge.

ORDER ENTERING JUDGMENT AGAINST MAHLER et al.

Receipt is acknowledged of a REQUEST FOR ENTRY OF ADVERSE JUDGMENT, filed by Mahler (Paper No. 17). The REQUEST in the record is a copy of an original document which appears as Paper No. 26 in the file of Interference No. 103,786.

Upon consideration of the REQUEST, it is

ORDERED that judgment as to Count 4 (see Paper No. 15, pages 3-5), the sole count in the interference, is awarded against junior party Barry A. Mahler and Ralph N. Miller.

FURTHER ORDERED that judgment as to Count 4 is awarded in favor of senior party Atsuo Nishimura and Reiji Takahashi.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party Atsuo Nishimura and Reiji Takahashi is entitled to a patent containing claims 1-3 (corresponding to Count 4) of patent application 08/248,728, filed May 25, 1994.

FURTHER ORDERED that junior party Barry A. Mahler and Ralph N. Miller is not entitled to a patent containing claims 1 and 4-15 (corresponding to Count 4) of patent application 08/192,664, filed February 7, 1994 or claims 1, 4-12 and 14-16 (corresponding to Count 4) of patent application 08/378,349, filed February 1, 1995.

ANDREW H. METZ)
Administrative Patent Judge)
)
)

FRED E. McKELVEY, Senior) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES
)

ADRIENE L. HANLON)
Administrative Patent Judge)

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