

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HIROYUKI SAKAYORI,

Junior Party,¹

v.

HIROSHI INOUE, HIDEO KANNO,
HIROSHI NETSU, and ATSUSHI MIZUTOME

Senior Party.²

Patent Interference No. 103,923

JUDGMENT

¹ Patent No. 5,155,613, issued October 13, 1992, based on Application 07/752,181, filed August 23, 1991. Assigned to Semiconductor Energy Laboratory, Co., Ltd., Japan. Accorded benefit of U.S. Application 07/271,284, filed November 15, 1988, and Japanese Application 62-294587, filed November 20, 1987.

² Application 08/016,314, filed February 11, 1993. Assigned to Canon Kabushiki Kaisha, Ltd., Japan. Accorded benefit of U.S. Applications 07/657,259, filed February 19, 1991, 07/333,956, filed April 6, 1989, and 07/085,017, filed August 13, 1987, and Japanese Application 61-192572, filed August 18, 1986.

Interference No. 103,923

METZ, PATE, and MARTIN, Administrative Patent Judges.

MARTIN, Administrative Patent Judge.

Junior party Sakayori did not respond to the paper mailed January 13, 1998, which ordered him pursuant to 37 CFR § 1.640(d)(2) to show cause within twenty days why judgment should not be entered against his claims that correspond to the count for failing to file a preliminary statement or any preliminary motions. Accordingly, judgment is hereby entered against Sakayori's claims that correspond to the count, i.e., patent claims 1 and 2, which means Sakayori is not entitled to a patent including those claims. Judgment is awarded in favor of Inoue et al.'s claims that correspond to the count, i.e., application claims 19-22, which means they are entitled to a patent including those claims.

)	
)	
)	
)	
)	
)	
)	BOARD
OF)	
)	
)	PATENT
APPEALS)	
)	
)	AND
)	INTERFERENCES

Interference No. 103,923

)
)
_____)
JOHN C. MARTIN)
Administrative Patent Judge)

Interference No. 103,923

For the party Sakayori:

Gerald J. Ferguson, Jr., Esq.
SIXBEY, FRIEDMAN, LEEDOM and FERGUSON
2010 Corporate Ridge
McLean, VA 22102

For the party Inoue et al:

FITZPATRICK, CELLA, HARPER & SCINTO
277 Park Avenue
New York, NY 10172