

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of the decision being entered today (1) was not written for publication in a law journal or reporter and (2) is not binding precedent of the Board.

Filed by: Merits Panel
Administrative Patent Judge
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Paper 42

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GEORGE R. PETTIT and JOZSEF BARKOCZY,¹

Junior Party,

v.

KYOICHI SAKAKIBARA, MASA AKI GONDO and KOICHI MIYAZAKI,²

Senior Party.

Patent Interference 104,012

Before: SCHAFER, LEE and TORCZON, Administrative Patent Judges.

PER CURIUM

JUDGMENT PURSUANT TO 37 CFR § 1.662

¹ Application 07/985,831, filed December 3, 1992.

² Application 08/190,194, filed February 9, 1994, which claims the benefit of PCT application PCT/JP92/01005, filed August 6, 1992.

Upon consideration of SAKAKIBARA ET AL'S REQUEST FOR ENTRY OF ADVERSE JUDGMENT (Paper 41), it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 14), the sole count in the interference, is awarded against the senior party KYOICHI SAKAKIBARA, MASA AKI GONDO and KOICHI MIYAZAKI.

FURTHER ORDERED that, judgment on priority as to Count 1 is awarded in favor of junior party GEORGE R. PETTIT and JOZSEF BARKOCZY.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party KYOICHI SAKAKIBARA, MASA AKI GONDO and KOICHI MIYAZAKI is not entitled to a patent containing claims 1, 5-6 and 8 (corresponding to Count 1) of application 08/190,194, filed February 9, 1994.

FURTHER ORDERED that on the record before the Board of Patent Appeals and Interferences, junior party GEORGE R. PETTIT and JOZSEF BARKOCZY is entitled to a patent containing claims 1, 6-12 and 14-23 (corresponding to Count 1) of application 07/985,831, filed December 3, 1992.

FURTHER ORDERED that a copy of this decision be made of record in applications 08/190,194 and 07/985,831.

_____)
RICHARD E. SCHAFER)
Administrative Patent Judge)
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JAMESON LEE)
Administrative Patent Judge)
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RICHARD TORCZON)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

cc: (via First Class Mail)

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