

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 36

UNITED STATES PATENT AND TRADEMARK OFFICE

—————
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
—————

YUE XIONG and KUN-LIANG GUAN

Junior Party,¹

v.

ASTAR WINOTO and FRANCIS KA MING CHAN

Junior Party,²

CHARLES J. SHERR, JAMES, DOWNING,
HIROSHI HIRAI, and TSUKASA OKUDA

Senior Party.³
—————

¹ Application No. 08/362,235, filed December 22, 1994. Assignors to The University of North Carolina at Chapel Hill and The Regents of the University of Michigan.

² Application No. 08/425,093, filed April 17, 1995. Assignor to The Regents of the University of California, a Corp. of California.

³ Application No. 08/384,106, filed February 6, 1995. Assignor to St. Lude Children's Research Hospital, Memphis, TN.

Interference No. 104,017

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Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judge.

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.662

Both Xiong et al. and Winoto et al., the junior parties, have filed concessions of priority which, pursuant to 37 CFR § 1.662(a), are treated as requests for entry of an adverse judgment as to all claims which correspond to the counts.

Accordingly, judgment as to the subject matter of the counts in issue is hereby awarded to Charles J. Sherr, James Downing, Hiroshi Hirai, and Tsukasa Okuda, the senior party. Xiong et al. are not entitled to a patent containing claims 1, 3 to 7 and 25 to 29. Winoto et al. are not entitled to a patent containing claims 1 to 6, 8 and 20 corresponding to the count.

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
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MICHAEL SOFOCLEOUS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
MARY F. DOWNEY)	
Administrative Patent Judge)	

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Interference No. 104,017

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