

**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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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 22

Filed by: Merits Panel  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JOHN A. HAMILTON and PRUDENCE H. HARI,

Junior Party,  
(Patent 5,236,705),

v.

FRANK LEE, TAKASHI YOKOTA, KEN-ICHI ARAI,  
TIMOTHY MOSMANN and DONNA RENNICK,

Senior Party  
(Application 08/466,543).

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Patent Interference No. 104,250

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

McKELVEY, Senior Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.640**

Upon consideration of the fact that the junior party has failed to timely file a preliminary statement as required by the MEMORANDUM OPINION AND ORDER entered 15 December 1998, it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party JOHN A. HAMILTON and PRUDENCE H. HARI.

FURTHER ORDERED that judgment on priority as to Count 1 is awarded in favor of senior party FRANK LEE, TAKASHI YOKOTA, KEN-ICHI ARAI, TIMOTHY MOSMANN and DONNA RENNICK.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party FRANK LEE, TAKASHI YOKOTA, KEN-ICHI ARAI, TIMOTHY MOSMANN and DONNA RENNICK is entitled to a patent containing claims 29, 31-34, 37-39 and 42 (corresponding to Count 1) of application 08/466,543, filed 6 June 1995.

FURTHER ORDERED that junior party JOHN A. HAMILTON and PRUDENCE H. HARI is not entitled to a patent containing claims 1-6 (corresponding to Count 1) of U.S. Patent 5,236,705, granted August 17, 1993, based on application 07/720,868, filed 18 September 1991.

FURTHER ORDERED that the preliminary statement (Paper 19) filed by the senior party shall be returned unopened to counsel for the senior party.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

_____	)	
FRED E. McKELVEY, Senior	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	
RICHARD E. SCHAFER	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
_____	)	
JAMESON LEE	)	
Administrative Patent Judge	)	

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