

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 38

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
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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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SHAU-TARNG LEE,

Junior Party,  
(Patent 5,667,728),

v.

WILLIAM D. McINTYRE, RODERICK R. ALIRE and RONALD N. CLAZIE,

Senior Party  
(Application 08/546,025).

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Patent Interference No. 104,461

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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**

An order to show cause (Paper 36) was entered on 18 May 2000 requiring a response by Lee by 23 June 2000. A response has not been filed. On 27 June 2000, Ms. Yolunda Townes, a

paralegal in the Trial Section, confirmed by phone that counsel did not plan to file a response. Accordingly, it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party SHAU-TARNG LEE.

FURTHER ORDERED that junior party SHAU-TARNG LEE is not entitled to a patent containing claims 1-6 (corresponding to Count 1) of U.S. Patent 5,667,728, granted 16 September 1997, based on application 08/739,704, filed 29 October 1996.

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

104,461

cc (via First Class Mail):

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