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Paper 8

Filed by: Interference Trial Section 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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TERUO SAITOH, HIDEYUKI ITOU,  
MAYUMI GABE and CHIHIRO FUNAKOSHI,

Junior Party,  
(Application 08/886,211),

v.

SHIGEYUKI IWASA, KAICHIRO NAKANO,  
KATSUMI MAEDA, TAKESHI OHFUJI  
and ETSUO HASEGAWA,

Senior Party,  
(Patent 5,994,025).

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Patent Interference No. 104,586

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Before: SCHAFER, LEE and GARDNER-LANE, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Junior party Saitoh has filed a paper (Paper 7) expressly abandoning its involved Application 08/886,211. Pursuant to 37 CFR § 1.662(a), the abandonment of an involved application is treated as a request for entry of an adverse judgment. Accordingly , it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 32), is awarded against the junior party TERUO SAITOH, HIDEYUKI ITOU, MAYUMI GABE and CHIHIRO FUNAKOSHI;

FURTHER ORDERED that junior party, TERUO SAITOH, HIDEYUKI ITOU, MAYUMI GABE and CHIHIRO FUNAKOSHI, is not entitled to a patent containing claims 1-14 (corresponding to Count 1) of Application 08/886,211;

FURTHER ORDERED that a copy of this judgment be made of record in Application 08/886,211 and in the file of Patent 5,994,025; and

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

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RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	BOARD OF PATENT
JAMESON LEE	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
_____	)	
SALLY GARDNER-LANE	)	
Administrative Patent Judge	)	

cc (Fax):

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