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Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MITSURU ISHIKAWA  
(5,528,046),

Junior Party,

v.

KEVIN M. ULMER  
(08/877,606),

Senior Party.

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Interference No. 104,214

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

TORCZON, Administrative Patent Judge.

**JUDGMENT**

(PURSUANT TO 37 CFR § 1.662(a))

INTRODUCTION

Junior party Ishikawa requests entry of an adverse judgment under Rule 662 for the sole count of the interference and for all of the corresponding claims (Paper No. 21). The

parties have filed papers indicating an agreement between the parties to settle the interference (e.g., Paper No. 16). The counts and the corresponding claims may be found at page 3 of the attachment to Paper No. 2.

ORDER

Upon consideration of the record of this interference, it is

ORDERED that judgment on priority as to Count 1 is awarded against junior party Ishikawa;

FURTHER ORDERED that junior party Ishikawa is not entitled to a patent containing claims 9 and 11-17 of its involved 5,528,046 patent; and

FURTHER ORDERED that, based on the record before us,  
senior party Ulmer is entitled to a patent containing claims  
81-84 of its involved 08/877,606 patent application.

RICHARD E. SCHAFER  
Administrative Patent Judge

JAMESON LEE  
Administrative Patent Judge

RICHARD TORCZON  
Administrative Patent Judge

BOARD OF  
PATENT  
APPEALS AND  
INTERFERENCES

Interference No. 104,214  
Ishikawa v. Ulmer

Page 4

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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
Board of Patent Appeals and Interferences  
Interference Trial Section

12 December 2001 - 14.41

TO: Yolunda R. Townes  
Sonja Desperrt

FROM: Richard Torczon

INTERFERENCE NO. 104,214

9 Please review the attachment and, if no corrections are necessary, please circulate as indicated.

9 If corrections are necessary, please mark the attachment accordingly and return it to me.

Thank you for your assistance in this matter.

Attachment

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