

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**

This opinion (1) was not written for publication and (2) is not binding precedent of the Board.

Paper 87

Filed by: 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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HEINZ NAU and CIARAN M. REGAN,

Junior Party,  
(Application 08/446,481),

v.

SHUICHI OHUCHIDA, KAZUO KISHIMOTO,  
NARITO TATEISHI and HIROYUKI OHNO,

Senior Party  
(Application 08/681,482).

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Patent Interference No. 104,258

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

PER CURIUM

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Upon consideration of Nau's REQUEST FOR ADVERSE JUDGMENT (Paper 86), it is

ORDERED that judgment on priority as to Count 2 (Paper 83, p.2), the sole count in the interference, is awarded against the junior party HEINZ NAU and CIARAN M. REGAN.

FURTHER ORDERED that, judgment on priority as to Count 2 is awarded in favor of senior party SHUICHI OHUCHIDA, KAZUO KISHIMOTO, NARITO TATEISHI and HIROYUKI OHNO.

FURTHER ORDERED that junior party, HEINZ NAU and CIARAN M. REGAN, is not entitled to a patent containing claims 53-64 (corresponding to Count 2) of application 08/446,481, filed May 22, 1995.

FURTHER ORDERED that on the record before the Board of Patent Appeals and Interferences, senior party. SHUICHI OHUCHIDA, KAZUO KISHIMOTO, NARITO TATEISHI and HIROYUKI OHNO, is entitled to a patent containing claims 11-15, 18-20 and 23-25 (corresponding to Count 2) of Application 08/681,482, filed July 23, 1996.

FURTHER ORDERED that a copy of this decision be made of record in application 08/446,481 and in application 08/681,482.

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FRED E. McKELVEY )  
Senior Administrative Patent Judge )  
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RICHARD E. SCHAFER )  
Administrative Patent Judge )  
)  
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\_\_\_\_\_)  
JAMESON LEE )  
Administrative Patent Judge )  
)  
)

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

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