

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(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Kenji Tsujihara,
Tomiki Hashiyama,
Motoaki Ohashi and
Noriyukii Nakanishi,

Junior Party,¹

v.

Robert A. Holton,
Hossain Nadizadeh,
Yukio Suzuki, Ki-Byung Chai
and Hamid Idmoumaz

Senior Party.²

Interference No. 104,028

¹ Patent No. 5,589,502, issued December 31, 1996, based on Application 08/558,772, filed November 15, 1995. Accorded the benefit of Japan 6-283,780, filed November 17, 1994; Japan 7-251,185, filed September 28, 1995.

² Application 08/462,125 filed June 5, 1995. Accorded benefit of Application 08/094,756, filed July 20, 1993.

Interference No. 104,028

Before Ronald H. Smith, Sofocleous and Downey, Administrative Patent Judges.

Ronald H. Smith, Administrative Patent Judge.

JUDGMENT

Whereas Kenji Tsujihara, Tomiki Hasiyama, Motoaki Ohoshi and Noriyukii Nakanishi, the junior party, have filed a request for entry of an adverse judgment pursuant to 37 CFR § 1.662(a). Judgment as to the subject matter of the count in issue is hereby awarded to Robert A. Holton, Hossain Nadizadeh, Yukio Suzuki, Ki-Byung Chai and Hamid Idmoumaz, the senior party. Accordingly, Kenji Tsujihara, Tomiki Hasiyama, Motoaki Ohoshi and Noriyukii Nakanishi are not entitled to a patent containing claims 1-7 and 10-12 corresponding to the count.

Robert A. Holton, Hossain Nadizadeh, Yukio Suzuki, Ki-Byung Chai and Hamid Idmoumaz are entitled to a patent containing claims 21-30, 39, 40 and 42-51 corresponding to the count.

Ronald H. Smith)
Administrative Patent Judge)

)

Interference No. 104,028

Michael Sofocleous)
Administrative Patent Judge) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
)
Mary F. Downey)
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