

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No.6

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES W. GRIFFTH

Junior Party¹

V.

YUE-TEH JANG

Senior Party²

Interference No. 104,095

JUDGMENT

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

¹ U.S. Patent No. 5,249,580, granted October 5, 1993, based on Application 08/011,335, filed January 29, 1993. Accorded benefit of Application 07/773,037, filed October 8, 1991, now U.S. Patent No. 5,201,315, granted April 13, 1993.

² Application 07/975,769, filed November 13, 1992. Accorded benefit of Applications 07/930,977, filed August 14, 1992, now U.S. Patent No. 5,203,338, granted April 20, 1993 and 07/629,500, filed December 17, 1990, now abandoned. Assignor to Cardiovascular Imaging Systems, Inc., Sunnyvale, CA .

Griffith, the junior party, has filed a concession of priority, which, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment as to all claims which correspond to the count.

Accordingly, judgment as to the subject matter of the count in issue is hereby awarded to Yue-Teh Jang, the senior party. Griffith is not entitled to its involved patent containing claims 1-4 corresponding to the count. On the present record, Jang is entitled to a patent containing claims 12-22 and 26.

STANLEY M. URYNOWICZ, JR.)
Administrative Patent Judge)
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MICHAEL SOFOCLEOUS) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES
)
MARY F. DOWNEY)
Administrative Patent Judge)

Interference No. 104,095

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