

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 6

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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KATHERINE S. TAKAKI, BRETT T. WATSON,  
GRAHAM S. POINDEXTER and JAMES R. EPPERSON,

Junior Party,  
(Patent 5,661,186),

v.

SHIGENORI OHKAWA, OSAMU UCHIKAWA  
and MASAOMI MIYAMOTO,

Senior Party  
(Application 08/530,148).

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Patent Interference No. 104,581

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

McKELVEY, Senior Administrative Patent Judge.

**MEMORANDUM OPINION and FINAL ORDER**

**A. Discussion**

Ms. Yolunda Townes, a paralegal specialist in the Trial Section recently had a phone conversation with Mr. Aldo A. Algieri, a registered practitioner representing Bristol-Myers Squibb Co., assignee of the Takaki patent involved in the interference. During the telephone conversation, Mr. Algieri advised Ms. Townes that Takaki and Bristol-Myers Squibb Co. have elected not to pursue the interference.

Since the involved Takaki patent is junior to the involved Ohkawa application and Takaki and Bristol-Myers Squibb Co. do not intend to pursue the interference, it is appropriate to enter a judgment.

**B. JUDGMENT**

Upon consideration of the record, including the telephone conversation between Ms. Townes and Mr. Algieri, it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against junior party KATHERINE S. TAKAKI, BRETT T. WATSON, GRAHAM S. POINDEXTER and JAMES R. EPPERSON.

FURTHER ORDERED that junior party KATHERINE S. TAKAKI, BRETT T. WATSON, GRAHAM S. POINDEXTER and JAMES R. EPPERSON is not entitled to a patent containing claims 1-3, 12

and 14 (corresponding to Count 1) of U.S. Patent 5,661,186,  
granted 26 August 1997, based on application 08/576,658, filed  
21 December 1995.

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

_____	)	
FRED E. MCKELVEY, Senior	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	
RICHARD E. SCHAFER	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
_____	)	
JAMESON LEE	)	
Administrative Patent Judge	)	

cc (via First Class Mail):

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