

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
and is not binding precedent of the Board

Paper No.

9

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KARL P.L. MULLER, KATSUYA OKUMURA
and THEODORE G. VAN KESSEL,

Junior Party,
(Patent 5,724,144),

v.

HERBERT E. LITVAK,

Senior Party,
(Application 09/097,429).

Patent Interference No. 104,707

Before MCKELVEY, Senior Administrative Patent Judge, and
GARDNER-LANE and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the NOTICE OF NO CONTEST filed by
Muller (Paper 4), it is

ORDERED that judgment on priority as to Count 1 (Paper 1, pages 5-6), the sole count in the interference, is awarded against junior party KARL P.L. MULLER, KATSUYA OKUMURA and THEODORE G. VAN KESSEL.

FURTHER ORDERED that junior party KARL P.L. MULLER, KATSUYA OKUMURA and THEODORE G. VAN KESSEL is not entitled to a patent containing claims 1-24 and 32-36¹ of U.S. patent 5,724,144, granted 3 March 1998, based on application 08/674,855, filed 3 July 1996.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/097,429 and U.S. Patent 5,724,144.

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

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FRED E. McKELVEY, Senior)	
Administrative Patent Judge)	
)	
)	
_____)	BOARD OF PATENT
SALLY GARDNER-LANE)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	

¹ See Redeclaration of Interference (paper 8).

SALLY C. MEDLEY)
Administrative Patent Judge)

cc (federal express):

Attorney for Muller:

Joseph M. Potenza, Esq.
Banner & Witcoff, Ltd.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001-4597

Attorney for Litvak:

Gerald P. Parsons, Esq.
SKJERVEN MORRILL MACPHERSON LLP
Three Embarcadero Center 28th Floor
San Francisco, CA 94111