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Filed
16 September 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

XIN LIU
and **CHEE-KEUNG CHUNG**
(Patent 6,316,002 and Application 10/757,722)

v.

XIN LIU
(Application 10/376,845)

Patent Interference No. **105,060**

Before Lee, Torczon, and Lane, Administrative Patent Judges.

Lane, Administrative Patent Judge.

Judgment - Request for Adverse - Bd.R. 127(b)

Liu has filed a paper stating its intent to expressly abandon reissue application 10/376,845, i.e., the involved Liu application. (Paper 32). Liu's filing is consistent with discussion during a conference call in which Liu indicated that it would no longer be alleging that Xin Liu should be named as sole inventor of the subject matter of the counts.¹ The parties agreed

¹ The conference call was held on 6 September 2005 at approximately 9:30 am. Participating in the call were Otto Lee for Liu, Dr. Fei-Fei Chao and Gary Hnath, counsel for Liu and Chung, and Sally Gardner Lane, Administrative Patent Judge (APJ).

that if Liu was no longer contesting inventorship, then there was no reason to continue the interference.

Liu's actions are construed to be a request for adverse judgment. Bd. R. 127(b)(1) and (4).

Upon consideration of the record and for reasons given, it is

ORDERED that judgment is entered against XIN LIU as to each count of the interference, i.e., counts 23 through 54;

FURTHER ORDERED that XIN LIU is not entitled to a patent containing claims 1 through 32² of application 10/376,845, which correspond to counts 23 through 54, respectively. (Paper 28 at 3-4);

FURTHER ORDERED that a copy of this judgment shall be entered into the file of patent 6,316,002, application 10/757,722, and application 10/376,845; and

FURTHER ORDERED that, if there is a settlement agreement, the parties are directed to 35 USC § 135(c) and Bd.R. 205(a).

² Claims 23 through 32 were added by an amendment (Paper 21) that was authorized by the APJ (Paper 20 at 3).

cc (via facsimile and first class mail):

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