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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

XIN LIU
and CHEE-KEUNG CHUNG
(Patent 6,468,542 and Application 10/756,748)

v.

XIN LIU
(Application 10/376,692)

Patent Interference No. **105,061**

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 10/376,692, i.e., the involved Liu application. (Paper 31). 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 During the call,

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).

the parties agreed 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 11-30;

FURTHER ORDERED that XIN LIU is not entitled to a patent containing claims 1 through 20² of application 10/376,692, which correspond to counts 11 through 30, respectively. (Paper 19 at 2-3 and Paper 28 at 3);

FURTHER ORDERED that a copy of this judgment shall be entered into the file of patent 6,468,542, application 10/756,748, and application 10/376,692; 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 Liu added claims 11-20 by an amendment (Paper 22) that was authorized by the APJ. (Paper 20 at 3).

cc (via facsimile and first class mail):

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