

The opinion in support of the decision being entered today is not binding precedent of the Board.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WOLFF M. KIRSCH, YONG HUA ZHU
and MAU-SONG CHOU
Junior Party,
(Application 09/643,391)¹

v.

MAU-SONG CHOU
Senior Party
(Patent 6,049,728)²

Patent Interference No. 105,071

Before LEE, LANE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

¹ Filed August 22, 2000. The real party in interest is Loma Linda University Medical Center.

² Based on Application 09/190,940, filed November 12, 1998. The real party in interest is TRW Inc. Accorded the benefit of Application 08/978,317, filed November 25, 1997.

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Junior party Kirsch has expressly abandoned its involved Application 09/643,391.

Per 37 CFR § 1.662(a), the express abandonment is treated as a request for entry of adverse judgment. The request is **granted**. It is

ORDERED that judgment as to the subject matter of all counts 1-57 is herein entered against junior party WOLFF M. KIRSCH, YONG HUA ZHU, and MAU-SONG CHOU;

FURTHER ORDERED that junior party WOLFF M. KIRSCH, YONG HUA ZHU, and MAU-SONG CHOU is not entitled to its application claims 12-68 which correspond, respectively, to counts 1-57;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.

Interference No. 105,071
Kirsch v. Chou

Jameson Lee)
Administrative Patent Judge)
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Sally Gardner Lane) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES
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Sally Medley)
Administrative Patent Judge)

Interference No. 105,071
Kirsch v. Chou

By Facsimile:

Attorney for junior party KIRSCH:

626-795-6321 (fax)
Robert J. Rose, Esq.
SHELDON & MAK
225 South Lake Avenue, Ninth Floor
Pasadena, California 91101

Attorney for senior party CHOU:

310-812-2687 (fax)
Patrick F. Bright, Esq.
Bright & Lorig, P.C.
633 West Fifth Street, Suite 3330
Los Angeles, California 90071