

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 48

Filed by: Interference Trial Section

Merits Panel

Board of Patent Appeals and Interferences

Filed: December 20, 2004

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Richard E. Schafer)

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XIAO LIU and MENG ZHU

Junior party,  
U.S. Patent 6,045,767

v.

TOMOHIRO KAWASE and MASAMI TATSUMI

Senior party,  
Reissue Application 09/824,965

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Patent Interference No. 105,237

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Before SCHAFFER, TORCZON and NAGUMO, Administrative Patent Judges.

SCHAFFER, Administrative Patent Judge.

**FINAL JUDGMENT - Bd. R. 127(b)(4)**

Liu filed a paper abandoning the contest. A notice abandoning the contest is construed as a request for entry of adverse judgment. 37 CFR § 41.127(b)(4). Paper 47. Accordingly, it is

**ORDERED** that judgment on priority as to the subject matter of Count 2 (Paper 22, p.2), is awarded against the junior party, XIAO LIU and MENG ZHU;

**FURTHER ORDERED** that junior party, XIAO LIU and MENG ZHU, is not entitled to a patent containing claims 1-8 (corresponding to Count 2) of U.S. Patent 6,045,767;

**FURTHER ORDERED** that a copy of this judgment be made of record in the file of U.S. Patent 6,045,767 and 09/824,965;

**FURTHER ORDERED** that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

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RICHARD E. SCHAFER )  
Administrative Patent Judge )  
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\_\_\_\_\_) BOARD OF PATENT  
RICHARD TORCZON ) APPEALS AND  
Administrative Patent Judge ) INTERFERENCES  
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\_\_\_\_\_)  
MARK NAGUMO )  
Administrative Patent Judge )

cc (facsimile):

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