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April 7, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

MARCIA I. DAWSON, JAMES F. CAMERON,
PETER D. HOBBS, LING JONG,
MAGNUS PFAHL, XIAO-KUN ZHANG,
and
JURGEN M. LEHMANN
Junior Party
(Patent 5,837,725 and Patent 5,466,861),

v.

MARCUS F. BOEHM, RICHARD A. HEYMAN,
LIN ZHI
and
STACIE C. KOCH
Senior Party
(Application 08/141,496).

Patent Interference No. 105,256

JUDGMENT – REQUEST FOR ADVERSE – Bd. R. 127(b)

Before Schafer, Lee and Moore, Administrative Patent Judges

James T. Moore, Administrative Patent Judge

Dawson has filed Paper 35, a Request for Adverse Judgment as to both count 1 and count 2 of this interference.

Upon consideration of the Request for Adverse Judgment, it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 33, page 2) is awarded against junior party Marcia I. Dawson, James F. Cameron, Peter D. Hobbs, Ling Jong, Magnus Pfahl, Xiao-Kun Zhang, and Jurgen M. Lehmann.

FURTHER ORDERED that junior party Marcia I. Dawson, James F. Cameron, Peter D. Hobbs, Ling Jong, Magnus Pfahl, Xiao-Kun Zhang, and Jurgen M. Lehmann, is not entitled to a patent containing claims 1, 3, 4, 6, and 13 (corresponding to Count 1) of patent 5,466,861.

FURTHER ORDERED judgment on priority as to Count 2 (Paper 33, page 2) is awarded against junior party Marcia I. Dawson, James F. Cameron, Peter D. Hobbs, Ling Jong, Magnus Pfahl, Xiao-Kun Zhang, and Jurgen M. Lehmann.

FURTHER ORDERED that junior party Marcia I. Dawson, James F. Cameron, Peter D. Hobbs, Ling Jong, Magnus Pfahl, Xiao-Kun Zhang, and Jurgen M. Lehmann, is not entitled to a patent containing claims 1, 3, 4, and 7 (corresponding to Count 2) of patent 5,466,861.

FURTHER ORDERED that junior party Marcia I. Dawson, James F. Cameron, Peter D. Hobbs, Ling Jong, Magnus Pfahl, Xiao-Kun Zhang, and Jurgen M. Lehmann, is not entitled to a patent containing claims 1, 2, 3, 5, 7, 13, 14, and 15 (corresponding to Count 2) of patent 5,837,725.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/141,496 and patents 5,466,861 and 5,837,725.

FURTHER ORDERED that as the parties have stated that there is a settlement agreement, the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666].

April 7, 2005
Alexandria, VA

cc (via fax):

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