

Filed by:  
Michael P. Tierney  
Administrative Patent Judge  
Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Michael P. Tierney)

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JOHN D. **MOUNTZ**, CHANGDAN LIU,  
TONG ZHOU, and JIANHUA CHENG  
Junior Party  
(U.S. Application No. 08/371,263),

v.

PHILIP J. **BARR**, JOHN P. SHAPIRO,  
and MICHAEL C. KIEFER  
Senior Party  
(U.S. Patent No. 5,663,070).

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Patent Interference No. 105,390 (MPT)  
(Technology Center 1600)

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**JUDGMENT - Bd. R. 127**

Before: McKELVEY, Senior Administrative Patent Judge, and TORCZON and TIERNEY,  
Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

For the reasons provided in the Decision (Paper No. 21), it is:

**ORDERED** that Mountz has failed to provide a showing of a prior corroborated actual

reduction to practice, or an earlier conception plus reasonable diligence towards a reduction to practice for the subject matter of Count 1, the sole count in interference.

**FURTHER ORDERED** that judgment on priority is entered against Junior Party Mountz on Count 1.

**FURTHER ORDERED** that Junior Party Mountz is not entitled to a patent containing claims 26, 32, 34, 36, 38, 39 and 41, all of which correspond to Count 1, of its involved U.S. Application No. 08/371,263.

**FURTHER ORDERED** that a copy of this paper shall be made of record in the files of U.S. Application No. 08/371,263 and U.S. Patent No. 5,663,070.

**FURTHER ORDERED** that the parties attention is directed to the settlement agreement provisions in 35 U.S.C. §135(c) and 37 C.F.R. §41.205.

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<u>/ss/ Fred E. McKelvey</u>	)
FRED E. McKELVEY	)
Administrative Patent Judge	)
)	)
)	)
<u>/ss/ Richard Torczon</u>	)
RICHARD TORCZON	)
Administrative Patent Judge	)
)	)
)	)
<u>/ss/ Michael P. Tierney</u>	)
MICHAEL P. TIERNEY	)

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

cc (Federal Express):

Counsel for MOUNTZ:

Robert A. Hodges, PhD., Esq.  
NEEDLE & ROSENBERG, P.C.  
999 Peachtree Street, Suite 1000  
Atlanta, GA 30309-3915

Tel: 678-420-9300

Counsel for BARR:

Jerry D. Voight, Esq.  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP  
3300 Hillview Avenue  
Palo Alto, CA 94304-1203

Tel: 650-849-6600