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Paper 52

Filed March 27, 2007

8 UNITED STATES PATENT AND TRADEMARK OFFICE

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11
12 BEFORE THE BOARD OF PATENT APPEALS
13 AND INTERFERENCES
14

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17 YASMIN A. **CHANDRASEKHER**, JULIA E. NOVAK,
18 DONALD C. FOSTER, WENFENG XU, AND STEPHEN R. JASPERS
19 Junior Party
20 (U.S. Application 10/471,151)
21

22 v.

23
24 **PENG LIANG**
25 Senior Party
26 (U.S. Patent No. 6,902,930).
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29 Patent Interference No. 105,480 (MPT)
30 (Technology Center 1600)
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34 Before: TORCZON, MEDLEY and TIERNEY, *Administrative Patent Judges*.
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36 TIERNEY, *Administrative Patent Judge*.
37

38 **JUDGMENT - ADVERSE - Bd. R. 127(b)**

39 Chandrasekher has filed a request for adverse judgment (Paper 51), a
40 miscellaneous communication (Paper 50) and an identification of related applications
41 (Paper 49). Chandrasekher's identification of related applications informs the Board that
42 Chandrasekher has filed U.S. Application 11/690,915 as a continuation application of its
43 involved '151 application. Chandrasekher's miscellaneous communication informs the

1 Board that Chandrasekher no longer intends to pursue its motions filed in this
2 interference, Chandrasekher Substantive Motions 1 and 2 (Papers 36 and 35
3 respectively). Chandrasekher Substantive Motion 1 sought to add two additional claims
4 to the interference and Substantive Motion 2 requested that Chandrasekher be accorded
5 priority benefit of earlier filed applications.

6 Chandrasekher's request for adverse judgment concedes priority of invention to
7 Senior Party Liang and also agrees to entry of judgment that its involved claims, claims
8 1-13, are unpatentable as indefinite under 35 U.S.C. § 112, second paragraph.

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10 It is:

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12 **ORDERED** that Chandrasekher Substantive Motions 1 and 2 are dismissed as
13 moot.

14 **FURTHER ORDERED** that Junior Party Chandrasekher claims 1-13 of
15 Chandrasekher, U.S. Application 10/471,151 are unpatentable as indefinite under 35
16 U.S.C. § 112, second paragraph.

17 **FURTHER ORDERED** that judgment on priority as to Count 2, the sole count
18 in interference (Redeclaration, Paper 29), is awarded against Junior Party Chandrasekher.

19 **FURTHER ORDERED** that Junior Party Chandrasekher is not entitled to a
20 patent containing claims 1-13 of Chandrasekher, U.S. Application 10/471,151, all of
21 which correspond to Count 2.

22 **FURTHER ORDERED** that a copy of this paper shall be made of record in the
23 files of Chandrasekher U.S. Applications 10/471,151 and 11/690,915 and Liang U.S.
24 Patent 6,902,930.

1 **FURTHER ORDERED** that the parties' attention is directed to 35 U.S.C.
2 § 135(c) and Bd. R. 205.

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4	<u>/Richard Torczon/</u>)	
5	RICHARD TORCZON)	
6	Administrative Patent Judge)	
7)	
8)	
9	<u>/Sally C. Medley/</u>)	BOARD OF PATENT
10	SALLY C. MEDLEY)	APPEALS AND
11	Administrative Patent Judge)	INTERFERENCES
12)	
13)	
14	<u>/Michael P. Tierney/</u>)	
15	MICHAEL P. TIERNEY)	
16	Administrative Patent Judge)	

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19 cc (electronic filing):

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