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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YUK-MING DENNIS LO, ROSSA WAI KWUN CHIU, and KWAN CHEE
CHAN
Junior Party
(Application 13/417,119),

v.

STEPHEN **QUAKE** and HEI-MUN CHRISTINA FAN
Senior Party
(Application 12/393,833).

Patent Interference No. 105,924 (DK)
(Technology Center 1600)

Judgment

37 C.F.R. § 41.127

*Before, RICHARD E. SCHAFER, SALLY GARDNER LANE, and
DEBORAH KATZ, Administrative Patent Judges.*

KATZ, Administrative Patent Judge.

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1 Following remand from the Federal Circuit (*see The Board of Trustees of the*
2 *Leland Stanford Junior University v. The Chinese University of Hong Kong*, App.
3 2015-011 (Fed. Cir. June 27, 2017)), we determine that application 12/393,833 fails to
4 provide written description of Quake's involved, copied claims as required by 35
5 U.S.C. § 112. (*See Decision on Motions, Paper 245.*) Accordingly, we grant Lo
6 Motion 1. We need not determine whether the benefit accorded to Quake upon
7 declaration should be changed, as argued in Lo Motion 5 and Quake Motion 1.

8 ORDERED that judgment be entered against Quake for Count 1 (*see Paper*
9 *1*);

10 FURTHER ORDERED that claims 25, 29, 32, 40, 42, 78, 79, 86, 87, 90, 91,
11 93, 95, 97, and 98-101 of Quake's involved application 12/393,833 be FINALLY
12 REFUSED 35 U.S.C. 135(a);

13 FURTHER ORDERED that a copy of this judgment be entered in the
14 administrative records of the involved 12/393,833 application and Lo application
15 13/417,119.

16 FURTHER ORDERED that a party seeking judicial review timely serve
17 notice on the Director of the United States Patent and Trademark Office. 37 C.F.R.
18 §§ 90.1 and 104.2.

19 FURTHER ORDERED that the parties are directed to 35 U.S.C. § 135(c)
20 and to 37 C.F.R. § 41.205 regarding the filing of settlement agreements.

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cc (via electronic delivery):

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