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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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YUK-MING DENNIS **LO**, ROSSA WAI KWUN CHIU, and KWAN CHEE  
CHAN

Junior Party

(Application 12/178,181; 13/070,240; 12/614,350; and 13/070,251),

v.

STEPHEN **QUAKE** and HEI-MUN CHRISTINA FAN

Senior Party

(Application 12/393,833).

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Patent Interference No. 105,923 (DK)  
(Technology Center 1600)

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**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  
4 fails to provide written description of Quake's involved, copied claims as required  
5 by 35 U.S.C. § 112. (*See Decision on Motions, Paper 247.*) Accordingly, we grant  
6 Lo 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 applications  
15 12/178,181, 13/070,240, 12/614,350, and 13/070,251.

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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