

The opinion in support of the decision being entered today is not binding precedent of the Board.

Filed by: Merits Panel  
Mail Stop Interference  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Paper 172

Filed

12 January 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

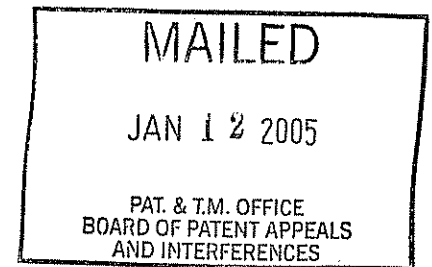
JUAN ENRIQUE ROMERO LANUZA and  
JOHN LAWRENCE SERNYK,

Junior Party,  
(Patent 6,169,190 B1),

v.

ZHEGONG FAN,

Senior Party  
(Application 10/273,518).



Patent Interference 105,162 (McK)

Before: McKELVEY, Senior Administrative Patent Judge,  
and SCHAFER and POTEATE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

**JUDGMENT**

Upon consideration of Lanuza Preliminary Motion 4 and Fan Preliminary Motions 6 and 7, and for the reasons given in the DECISION ON PRELIMINARY MOTIONS (Paper 171), it is

ORDERED that Fan Miscellaneous Motion 10 (Paper 156) seeking to withdraw Fan Preliminary Motion 4 (Paper 88) is granted.

FURTHER ORDERED that Fan Miscellaneous Motion 11 (Paper 170) seeking to correct "Corrected" Fan Preliminary Motion 6 (104) is dismissed as moot.

FURTHER ORDERED that, inasmuch as Fan admits that amended Fan claims 17-21 and 23-25 are not patentable to Fan (Paper 76, page 12), Fan is not entitled to a patent containing amended Fan claims 17-21 and 23-25 of involved Fan application 10/273,518, filed 18 October 2002.

FURTHER ORDERED that Lanuza Preliminary Motion 4 (Paper 82) is granted.

FURTHER ORDERED that Fan claim 22 does not comply with the written description requirement of 35 U.S.C. § 112.

FURTHER ORDERED that Fan is not entitled to a patent containing amended Fan claim 22 of involved Fan application 10/273,518, filed 18 October 2002.

FURTHER ORDERED that Fan Preliminary Motion 6 is denied.

FURTHER ORDERED that Fan Preliminary Motion 7 is denied.

FURTHER ORDERED that entry of this judgment constitutes a final decision in this interference [37 CFR § 41.2--definition of "final"--reprinted in 69 Fed. Reg. at 50003 (Aug. 12, 2004)].

FURTHER ORDERED that a copy of the DECISION ON PRELIMINARY MOTIONS and this JUDGMENT shall be placed in the file of (1) Patent 6,169,190 B1 and (2) application 10/273,518.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205, reprinted in 69 Fed. Reg. at 50019 (Aug. 12, 2004).

*m.g.K*

\_\_\_\_\_)  
FRED E. MCKELVEY, Senior )  
Administrative Patent Judge )

*RE Schaffer*  
\_\_\_\_\_)  
RICHARD E. SCHAFER )  
Administrative Patent Judge )

) BOARD OF PATENT  
) APPEALS AND  
) INTERFERENCES

*Linda R. Poteate*  
\_\_\_\_\_)  
LINDA R. POTEATE )  
Administrative Patent Judge )

cc (via Federal Express)

Attorney for Lanuza:

Oliver R. Ashe, Jr., Esq.  
Michael J. Fink, Esq.  
GREENBLUM & BERNSTEIN, PLC  
1950 Roland Clarke Place  
Reston, VA 20191

Tel: 703-716-1191  
Fax: 703-716-1180

Current attorney for Fan:

Mary Ann Dillahunty, Esq.  
FISH & RICHARDSON, P.C.  
500 Arguello Street  
Suite 500  
Redwood City, CA 04963

Tel: 650-839-5070  
Fax: 650-839-5071

Former attorney for Fan (curtesy copy):

Eugene C. Rzucidlo, Esq.  
William G. Todd, Esq.  
GREENBERG TRAUERIG, LLP  
885 Third Avenue  
New York, NY 10022-4384

Tel: 212-801-2100  
Fax: 212-688-2449