

The opinion in support of the decision being entered today is not binding precedent of the Board

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBIN **CHEUNG**, ASOKA SINHA,
AVI TEPMAN, and DAN CARL,

Junior Party
(Patent 6,136,163),

v.

THOMAS **RITZDORF**, E. HENRY STEVENS,
LIN LIN CHEN, LYNDON W. GRAHAM,
and CURT DUNDAS,

Senior Party
(Application 09/882,613).

Patent Interference No. 105,113

JUDGMENT -- RULE 640

Before MARTIN, Administrative Patent Judge, McKELVEY, Senior Administrative Patent Judge, and SCHAFER, Administrative Patent Judge.

MARTIN, Administrative Patent Judge.

For the reasons given in the discussion of Cheung Preliminary Motion 1 in the accompanying "Decision on Preliminary Motions," it is hereby ORDERED that judgment on the

issue of priority is entered against Cheung's claims that are designated as corresponding to Count 1 (i.e., claims 1-5 and 10-14) on the ground that Cheung's preliminary statement fails to allege a date of invention antedating the 1 June 1998 filing date of Ritzdorf's provisional application, of which Ritzdorf has been accorded benefit. Thus, Cheung is not entitled to a patent containing any of claims 1-5 and 10-14.

For the reasons given in the discussion of Cheung Preliminary Motion 2 in the "Decision on Preliminary Motions," it is FURTHER ORDERED that judgment is entered against Ritzdorf's claims 74-77 under 35 U.S.C. § 112, first paragraph, for lacking written description support in Ritzdorf's involved Application 09/882,613. Thus, of Ritzdorf's claims which are designated as corresponding to Count 1 (i.e., claims 68-77), Ritzdorf is entitled to a patent containing only claims 68-73.

JOHN C. MARTIN)	
Administrative Patent Judge)	
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FRED E. McKELVEY)	BOARD OF PATENT
Senior Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	

JCM/jcm

Interference No. 105,113

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