

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 138

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, DC 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

Filed: April 10, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PIERRE CHAMBON,  
ANDREE KRUST, NIGEL BRAND and  
MARTIN PETROVICH

Junior Party,  
Application 08/416,595

v.

RONALD M. EVANS,  
ESTELITA S. ONG, PRUDIMAR S. SEGUI,  
CATHERINE C. THOMPSON, KAZUHIKO UMESONO  
and VINCENT GIGUERE

Senior Party,  
U.S. Patent 5,171,671 and 5,571,692

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Patent Interference 104,583 (CAS)

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Before: TORCZON, SPIEGEL and GARDNER-LANE, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

**JUDGMENT**  
**(Pursuant to 37 CFR § 1.662(a))**

Junior party Chambon has filed notice that it “does not intend to continue in the captioned interference” (Paper 137, p. 2). We accordingly enter judgment against Chambon as having filed a written “abandonment of the contest” pursuant to 37 CFR § 1.662(a). Accordingly, it is

**ORDERED** that judgment on priority as to the subject matter of Count 2 (Paper 131, p. 2) is awarded against the junior party, PIERRE CHAMBON, ANDREE KRUST, NIGEL BRAND and MARTIN PETROVICH;

**FURTHER ORDERED** that junior party PIERRE CHAMBON, ANDREE KRUST, NIGEL BRAND and MARTIN PETROVICH, is not entitled to a patent containing claims 1, 2, 11-16, 18, 37-45 and 56 (corresponding to Count 2) of Application 08/416,595;

**FURTHER ORDERED** that a copy of this judgment be made of record in Application 08/416,595 and the files of Patents 5,171,671 and 5,571,692;

**FURTHER ORDERED** that senior party RONALD M. EVANS, ESTELITA S. ONG, PRUDIMAR S. SEGUI, CATHERINE C. THOMPSON, KAZUHIKO UMESONO and VINCENT GIGUERE, is not entitled to claims 1, 2, 4, 5, 9 and 11-14 of U.S. Patent No. 5,171,671 (Paper 129);

**FURTHER ORDERED** that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661; and

**FURTHER ORDERED** that the telephone conference scheduled for April 15, 2002 to discuss settlement status is **cancelled**.

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RICHARD TORCZON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
_____	)	BOARD OF PATENT
CAROL A. SPIEGEL	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
_____	)	
SALLY GARDNER-LANE	)	
Administrative Patent Judge	)	

104,583

cc: (via fax and first class mail):

Attorney for Chambon  
(real party in interest:  
Institut National De La Santé Et De La  
Recherche Médicale; Centre National De  
La Recherche Scientifique; Université  
Louis Pasteur; and Bristol Myers Squibb Company):

Jorge A. Goldstein, Esq.  
Judith U. Kim, Esq.  
1100 New York Avenue, NW  
Suite 600  
Washington, DC 20005-3934

Tel: 202-371-2600  
Fax: 202-371-2540  
E-mail: jgold@skgf.com  
E-mail: jkim@skgf.com

Attorney for Evans  
(real party in interest:  
Salk Institute for Biological Studies, and  
Ligand Pharmaceuticals, Inc.):

R. Danny Huntington, Esq.  
Donna M. Meuth, Esq.  
Burns, Doane, Swecker & Mathis, L.L.P  
P. O. Box 1404  
Alexandria, VA 22313-1404

Tel: 703-836-6620  
Fax: 703-836-2021  
E-mail: danny@burnsdoane.com