

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

WILLIAM HARRIS,
CHRISTOPHER HUW HILL, and IAN EDWARD DAVID SMITH
(6,150,373),
Junior Party,

v.

ELLEN MYRA DOBRUSIN,
JAMES MARINO HAMBY, JAMES BERNARD KRAMER,
MEL CONRAD SCHROEDER, HOWARD DANIEL HOLLIS SHOWALTER,
PETER TOOGOOD, and SUSANNE A. TRUMPP-KALLMEYER
(09/623,737),
Senior Party.

Interference No. 104,798

Before SCHAFFER, TORCZON, and NAGUMO, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT - RULE 640

Dobrusin, the provoking party, lacks a claim with sufficient written description as required under 35 U.S.C. 112(1) (see Paper 109).

Consequently, it is:

ORDERED that judgment on priority as to Count 1 is awarded against Dobrusin;

FURTHER ORDERED that Dobrusin is not entitled to a patent containing claims 54-56 & 58-80 of Dobrusin's 09/623,737 patent application;

FURTHER ORDERED that the Dobrusin preliminary statement be returned unopened; and

FURTHER ORDERED that a copy of this decision be entered in the administrative record of Harris's 6,150,373 patent and of Dobrusin's 09/623,737 patent application.

RICHARD E. SCHAFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

MARK NAGUMO
Administrative Patent Judge

BOARD OF
PATENT
APPEALS AND
INTERFERENCES

INTERFERENCE
TRIAL SECTION

cc (electronic mail):

Counsel for Harris (Hoffman-La Roche Inc.): **Stephen M. Haracz** and **Kevin C. Hooper** of BRYAN CAVE LLP.

Counsel for Dobrusin (Warner-Lambert Co.): **Rudolf E. Hutz** and **Ashley I. Pezzner** of CONNOLLY BOVE LODGE & HUTZ.

Notice: Any agreement or understanding between parties to this interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the United States Patent and Trademark Office before termination of the interference as between said parties to the agreement or understanding. 35 U.S.C. 135(c); 37 C.F.R. § 1.661.