

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper No. 13

Filed by: Trial Section Motions Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
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Filed: October 24, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



MARK I. GREENE AND JEFFREY A. DREBIN
Junior Party,
(U.S. Application 09/158,899)

v.

ROBERT M. HUDZIAK, MICHAEL SHEPARD, AXEL ULLRICH,
AND BRIAN M. FENDLY
Senior Party
(U.S. Patent 6,165,464).

Patent Interference No. 105,021 (MPT)

TERMINATION

On August 12, 2002, an interference was declared between Greene, U.S. Application No. 09/158,899 (Greene '899) and Hudziak, U.S. Patent No. 6,165,464 (Hudziak '464). (Interference No. 105,021). Similarly, an interference was declared on August 12, 2002 between Greene, U.S. Application No. 09/158,899 (Greene '899) and Ring, U.S. Patent No. 6,054,561 (Ring '561). (Interference No. 105,022).

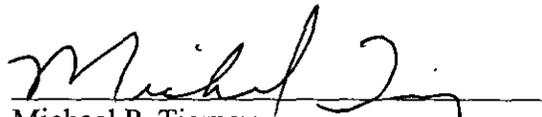
Chiron is the real party in interest in Ring '561. (Interference No. 105,022, Paper No. 10). While the assignee of Greene '899 is the Trustees of the University of Pennsylvania, Genentech is an exclusive licensee of Greene '899 and is said to be the real party in interest. (Interference No. 105,021, Paper No. 4). Furthermore, Genentech is the real party in interest in

Both parties have requested that the 105,021 and 105,022 interferences be consolidated into a single interference. The Board concurs. A single consolidated interference will provide an efficient and just determination on the underlying question of priority of invention between the two real parties in interest. Thus, to better resolve the issues presented in Interference Nos. 105,021 and 105,022, these interferences are terminated without prejudice and merged into a new (redeclared) Interference No. 105,048.

It is:

ORDERED that Interference No. 105,021 is terminated without prejudice to Greene, U.S. Application No. 09/158,899 and Hudziak, U.S. Patent No. 6,165,464.

FURTHER ORDERED that a copy of this final decision shall be placed and given a paper number in the file of Greene, U.S. Application No. 09/158,899 and Hudziak, U.S. Patent No. 6,165,464.


Michael P. Tierney
Administrative Patent Judge

cc(via Fax)

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