

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

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ARNON ROSENTHAL  
and JOHN W. WINSLOW  
(08/381,030; 08/454,968; and 08/455,940),  
Junior Party,

v.

KAZUO NAKAHAMA,  
YOSHIHIKO KAISHO, KOJI YOSHIMURA, and REIKO SASADA  
(07/488,696),  
and  
KAZUO NAKAHAMA,  
TSUNEHICO FUKUDA, TSUTOMU KUROKAWA, and KEN-ICHI KUROSHIMA  
(5,656,435),  
Senior Party.

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Interference No. 105,025

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Entered: 30 June 2003

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Before SCHAFER, TORCZON, and SPIEGEL, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

**JUDGMENT**  
(PURSUANT TO 37 CFR § 1.662(a))

INTRODUCTION

Rosenthal has conceded priority of the count (Paper 23). Consequently, judgment is entered against Rosenthal under 37 C.F.R. § 1.662(a).

ORDER

Upon consideration of Rosenthal's concession, it is:

ORDERED that judgment on priority as to Count 1 is awarded against junior party Rosenthal;

FURTHER ORDERED that junior party Rosenthal is not entitled to a patent containing claims 44-62 of Rosenthal's 08/381,030 application; 29 and 46-52 of Rosenthal's 08/454,968 application; and 16-18, 25, and 26 of Rosenthal's 08/455,940 application, all of which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be entered in the administrative record of Rosenthal's 08/381,030, 08/454,968, and 08/455,940 applications and of Nakahama's 07/488,696 application and 5,656,435 patent.

RICHARD E. SCHAFER  
Administrative Patent Judge

RICHARD TORCZON  
Administrative Patent Judge

CAROL A. SPIEGEL  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES  
  
INTERFERENCE  
TRIAL SECTION

cc (electronic mail):

For Rosenthal (real party-in-interest, Genentech, Inc.): John P. Isacson and Ginger R. Dreger of Heller Ehrman White & McAuliffe.

For Nakahama (real party-in-interest, Takeda Chemical Industries, K.K.): George W. Neuner and David G. Conlin of Edwards & Angell, LLP.

**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.