

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

ARNON ROSENTHAL,
and JOHN W. WINSLOW
(08/379,236),
Junior Party,

v.

ANDREAS HOHN,
YVES-ALAIN BARDE, HANS THOENEN,
RONALD M. LINDSAY, and GEORGE YANCOPOULOS
(08/342,457),
Senior Party.

Interference No. 105,027

Entered: 30 June 2003

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 27). 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 33 and 36-41 of Rosenthal's 08/379,236 application, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be entered in the administrative record of Rosenthal's 08/379,236 application and Hohn's 08/342,457 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):

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

Counsel for Hohn (real party-in-interest - Regeneron Pharmaceuticals, Inc.; Amgen Inc.; and Amgen-Regeneron Partners): Thomas E. Friebe and Margaret Brivanlou of Pennie & Edmonds 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.