

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 124

Filed by: Merits Panel
Board of Patent Appeals and Interferences
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Filed 6 December 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally Gardner Lane)

STEVEN M. RUBEN

Junior Party¹,
(Application 08/816,981),

v.

STEVEN R. WILEY
and RAYMOND G. GOODWIN

Senior Party²,
(Patent 5,763,223).

Patent Interference No. 105,077

Before: LANE, MOORE, and NAGUMO, Administrative Patent Judges.
NAGUMO, Administrative Patent Judge.

JUDGMENT - Merits - Bd. R. 127

¹ Ruben's real party-in-interest is said to be Human Genome Sciences, Inc.

² Wiley's real party-in-interest is said to be Immunex Corp.

For the reasons set out in Decision – Priority – Bd.R.

125(a) (Paper 123), it is:

ORDERED that priority as to Count 1, the sole count in this interference, is entered against Ruben.

FURTHER ORDERED that Steven M. Ruben is not entitled to a patent to claims 1-3, 6, 7, 9-12, 23, 24, 39-44, 46, 47, 49-54, 57-62, which are all the claims of application 08/816,981.

FURTHER ORDERED that a copy of Decision – Priority – Bd.R. 125(a) (Paper 123) shall be entered in the files of application 08/816,981 and U.S. Patent 5,763,223.

FURTHER ORDERED that a copy of this Judgment shall be entered in the files of application 08/816,981 and U.S. Patent 5,763,223.

FURTHER ORDERED that if there is a settlement, the attentions of the parties are directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Sally Gardner Lane/</u>)	
ADMINISTRATIVE PATENT JUDGE)	
)	
)	
<u>/James T. Moore/</u>)	BOARD OF PATENT
ADMINISTRATIVE PATENT JUDGE)	APPEALS AND
)	INTERFERENCES
<u>/Mark Nagumo/</u>)	
ADMINISTRATIVE PATENT JUDGE)	

cc (via overnight delivery):

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