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Paper 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ULF ERIKSSON,
BIRGITTA OLOFSSON, KARI ALITALO,
and KATRI PAJUSOLA

Junior Party,
(Patent 5,840,693),

v.

NICHOLAS KIM HAYWARD,
GUNTHER WEBER, SEAN GRIMMOND,
MAGNUS NORDENSKJOLD,
and CATHARINA LARSSON

Senior Party,
(Application 09/238,088).

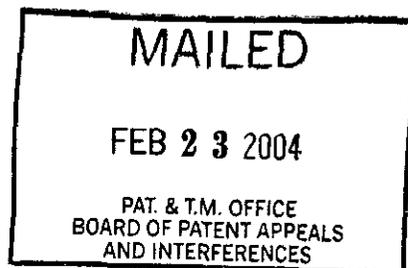
Patent Interference No. 105,097

SCHAFFER, LANE, and MEDLEY, *Administrative Patent Judges.*

LANE, *Administrative Patent Judge.*

JUDGMENT RULE 602

In response to the Order entered 5 February 2004, the parties have filed: (1) a paper stating that "the common assignees have determined that Eriksson should be awarded priority"



(Paper 26) and (2) a paper wherein Hayward requests that adverse judgment be entered against it. (Paper 27).

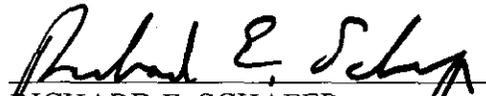
Hayward's request is GRANTED.

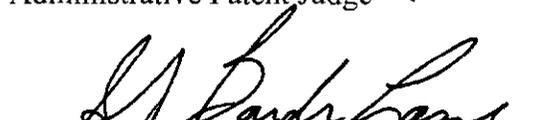
ORDER

Upon consideration of the record of the interference and for reasons given, it is ORDERED that judgment is entered against NICHOLAS KIM HAYWARD, GUNTHER WEBER, SEAN GRIMMOND, MAGNUS NORDENSKJOLD, and CATHARINA LARSSON;

FURTHER ORDERED that NICHOLAS KIM HAYWARD, GUNTHER WEBER, SEAN GRIMMOND, MAGNUS NORDENSKJOLD, and CATHARINA LARSSON is not entitled to a patent containing claims 2-4, 7, 19, 20, 43, 46, 49, 50 and 53 which correspond to the sole count in the interference; and

FURTHER ORDERED that a copy of this judgment be given a paper number and be entered into the administrative record of application 09/238,088 and patent 5,840,693.


RICHARD E. SCHAFER
Administrative Patent Judge


SALLY GARDNER LANE
Administrative Patent Judge


SALLY C. MEDLEY
Administrative Patent Judge

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cc (via fax and first class mail):

Attorney for Eriksson (real party in interest: Ludwig Institute for Cancer Research and Licentia Ltd.)

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