

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by:
Trial Section Merits Panel
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Board of Patent Appeals and Interferences, USPTO
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6/24/04

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

APPLIED RESEARCH SYSTEMS ARS HOLDING, N.V.
Junior Party
(Patent 5,272,071)

v.

CELL GENESYS, INC.
Junior Party,
(Application 08/102,390)¹

Patent Interference No. 105,114

Before McKELVEY, Senior Administrative Patent Judge, and MOORE and POTEATE,
Administrative Patent Judges.

MOORE, Administrative Patent Judge.

JUDGMENT - NO INTERFERENCE-IN-FACT

¹ Both parties were accorded junior party status (See Paper 1).

FAXED

JUN 24 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

On June 22, 2004 a panel of this Board rendered a decision on preliminary motions.
Further to that decision, it is hereby:

ORDERED that junior party APPLIED RESEARCH SYSTEMS ARS HOLDING, N.V. is not entitled to claims 1, 2, 5-7, 9-20, 22, 23, 25, 26, 32-39, 52-54, 56, and 57 (corresponding to Count 1) of patent 5,272,071.

FURTHER ORDERED that junior party CELL GENESYS, INC. is not entitled to a patent containing claims 105, 110, 111 and 112 (corresponding to Count 1) of application 08/102,390.

FURTHER ORDERED as to the remaining claims of each party, *i.e.*, claims 3, 4, 8, 21, 24, 27, 31, 40-51, 55, and 58 of ARS's patent 5,272,071, and claim 106 of Cell Genesys' application 08/102,390, that there is no interference-in-fact.

FURTHER ORDERED that this interference is terminated.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/102,390 and patent 5,272,071.

<i>m.gk</i>)	
_____)	
Fred E. McKelvey, Senior)	
Administrative Patent Judge)	
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_____)	
James T. Moore)	
Administrative Patent Judge)	
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_____)	
Linda R. Poteate)	
Administrative Patent Judge)	

BOARD OF PATENT
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AND
INTERFERENCES

Interference No. 105,114
ARS, N.V. v. CELL GENESYS, INC.

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June 23, 2004

By facsimile:

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