

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

YALE NEMERSON
and WILLIAM H. KONIGSBERG
(08/297,581 and 08/473,262),
Junior Party,

v.

GENENTECH, INC.
(08/437,989 and 08/444,934),
Senior Party.

Interference No. 105,134

Before TORCZON, MEDLEY, and POTEATE, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT--RULE 127

In view of the decision in Paper 64, it is:

DECIDED that judgment on priority as to Count 1 is awarded against junior party Nemerson;

FURTHER DECIDED that junior party Nemerson is not entitled to a patent containing claims 15, 42, 43 & 45-48 of Nemerson's 08/297,581 application, which correspond to Count 1;

FURTHER DECIDED that junior party Nemerson is not entitled to a patent containing claims 29-31, 33, 34, 36-39 & 44 of Nemerson's 08/473,262 application, which correspond to Count 1; and

FURTHER DECIDED that a copy of Paper 64 and of this judgment be entered in the administrative record of Nemerson's 08/297,581 and 08/473,262 applications and of Genentech's 08/437,989 and 08/444,934 applications.

RICHARD TORCZON
Administrative Patent Judge

SALLY C. MEDLEY
Administrative Patent Judge

LINDA R. POTEATE
Administrative Patent Judge

BOARD OF
PATENT
APPEALS AND
INTERFERENCES

cc (electronic mail):

For Nemerson: **Patrea L. Pabst** of PABST PATENT GROUP LLP.

For Genentech, Inc.: **R. Danny Huntington** and **Sharon E. Crane** of BURNS, DOANE,
SWECKER & MATHIS L.L.P.

Notice: Agreements and understandings regarding the termination of an interference are subject to filing requirements under 35 U.S.C. 135(c).

Notice: In the event of judicial review, note the requirements of Bd. R. 8(b).

Despertt, Sonja

From: Despertt, Sonja on behalf of Interference Trial Section
Sent: Wednesday, November 24, 2004 5:26 PM
To: 'Pabst, Patrea (PABST PATENT)'; 'Huntington, Danny (BURNS DOANE)'; 'Crane, Sharon (BURNS DOANE)'
Subject: Interference No. 105134 (RT) Paper No. 64 (Decision on Priority) & Paper No. 65 (Judgment)



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