

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 221

By: Trial Section Merits Panel  
Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
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Filed: April 21, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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NOVOZYMES NORTH AMERICA, INC.  
Junior Party  
(Application No. 09/735,787)

v.

GENENCOR INTERNATIONAL INC.  
Senior Party  
(Patent Nos. 6,162,782 & 6,107,265)

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Patent Interference No. 105,155

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Before: LEE, SPIEGEL and MOORE, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.<sup>1</sup>

**JUDGMENT - MOTIONS - Bd.R. 127**

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<sup>1</sup> As part of the Board's efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating from the Board will not have signatures. The signature requirements for the parties have not changed. See e.g., 37 C.F.R. § 10.18.

1     **I.     Order**

2             In view of the “DECISION - PRIORITY - Bd.R. 125(a)” (Paper 220) and for the  
3 reasons given therein, it is

4             ORDERED that priority as to Count 1 (Paper 1, p. 6), the sole count in the  
5 interference, is awarded against junior party GRETHE RASMUSSEN, JAN MOLLER  
6 MIKKELSEN, MARTIN SCHÜLEIN, SHAMKANT ANANT PATKAR, FRED HAGEN,  
7 CARSTEN MAILAND HJORT and SVEN HASTRUP (**Novozymes**) (see concurrent  
8 judgment);

9             FURTHER ORDERED that junior party GRETHE RASMUSSEN, JAN MOLLER  
10 MIKKELSEN, MARTIN SCHÜLEIN, SHAMKANT ANANT PATKAR, FRED HAGEN,  
11 CARSTEN MAILAND HJORT and SVEN HASTRUP (**Novozymes**) is not entitled to a  
12 patent;

13             FURTHER ORDERED that senior party KATHLEEN A. CLARKSON, EDWARD  
14 LARENAS, SHARON SHOEMAKER and GEOFFREY L. WEISS (**Genencor**) is not  
15 entitled to a patent containing claims 1-7 of U.S. Patent 6,107,265;

16             FURTHER ORDERED that senior party KATHLEEN A. CLARKSON, EDWARD  
17 LARENAS, SHARON SHOEMAKER and GEOFFREY L. WEISS (**Genencor**) is not  
18 entitled to a patent containing claims 1-18 of U.S. Patent 6,162,782;

19             FURTHER ORDERED that a copy of this paper shall be made of record in the  
20 files of U.S. application 09/735,787 and U.S. Patents 6,162,782 and 6,107,265; and

1           FURTHER ORDERED that if there is a settlement agreement which has not  
2           been filed, attention is further directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

3		)	
4	<u>\ss\ Jameson Lee</u>	)	
5	JAMESON LEE	)	
6	Administrative Patent Judge	)	
7		)	
8		)	
9	<u>\ss\ Carol A. Spiegel</u>	)	BOARD OF PATENT
10	CAROL A. SPIEGEL	)	APPEALS AND
11	Administrative Patent Judge	)	INTERFERENCES
12		)	
13		)	
14	<u>\ss\ James T. Moore</u>	)	
15	JAMES T. MOORE	)	
16	Administrative Patent Judge	)	

17           cc (via overnight mail):

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