

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 130

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

UNIVERSITY OF IOWA RESEARCH FOUNDATION,
COLEY PHARMACEUTICAL GROUP, INC., and
THE UNITED STATES OF AMERICA, as represented by
the Department of Health and Human Services
(Patent No. 6,207,646),
Junior Party

v.

THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA
(Application No. 09/265,191)
Senior Party

Patent Interference No. 105,171

Before PATE, SCHAFER and MOORE, **Administrative Patent Judges.**
PATE, **Administrative Patent Judge.**

JUDGMENT UNDER 37 CFR § 41.127

In a motion decision under 37 CFR § 41.125, a panel of this Board decided the threshold issue of University of Iowa motion 3 for judgment that University of California's sole claim in interference, claim 205, is barred by the provisions of 35 U.S.C. § 135(b)(1). The Motion was GRANTED. Accordingly, judgment is entered against the senior party.

Interference No. 105,171

Judgment and Order

It is

ORDERED that judgment on the ground of patentability as to the count in interference is entered against senior party, Dennis Carson, Eval Raz, and Mark Roman;

FURTHER ORDERED that the senior party, Dennis Carson, Eval Raz, and Mark Roman, are not entitled to their claim 205, designated as corresponding to the count; and

FURTHER ORDERED that a copy of this decision be given a paper number and entered into the file record of Patent 6,207,646 and Application 08/265,191.

WILLIAM F. PATE, III)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
RICHARD E. SCHAFER)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
JAMES T. MOORE)	
Administrative Patent Judge)	

WFP/vsh

Interference No. 105,171

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