

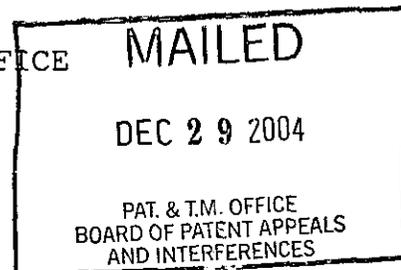
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 60

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



FALKO-GUNTER FALKNER, GEORG HOLZER AND FRIEDRICH DORNER URQHART
Junior Party¹

v.

STEPHEN C. INGLIS, MICHAEL E.G. BOURSNEILL, ANTHONY C. MINSON
Senior Party²

¹ Application 08/802,985, filed February 21, 1997, now U.S. Patent Number 5,770,212, issued on June 23, 1998. Said patent accorded benefit of: U.S. Application Serial Number 08/616,133, filed December 22, 1999, and now U.S. Patent Number 5,766,882, issued on June 16, 1998; U.S. Application Serial Number 08/235,392, filed on April 24, 1994, and now abandoned. Assigned to Immuno Aktiengesellschaft, Austria. Hereinafter, the junior party is referred to as "Falkner."

² Application Serial Number 08/459,040, filed June 2, 1995. Accorded benefit of: U.S. Application Serial Number 08/384,963, filed February 7, 1995, now U.S. Patent Number 5,665,362, issued September 9, 1997; U.S. Application Serial Number 08/030,373, filed May 20, 1993, and now abandoned; PCT/GB91/01632, filed September 23, 1991, published as WO 92/05263; GB 9104903.1, filed March 8, 1991; and GB 9020799.4, filed September 25, 1990. Assigned to Cantab Pharmaceuticals Research Limited, UK. Hereinafter the senior party is referred to as "Inglis."

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Patent Interference No. 105,187

JUDGMENT - RULE 41.204 (a) (3)

Before Metz, Schafer and Torczon, Administrative Patent Judges.
Metz, Administrative Patent Judge

We found in our "**DECISION ON PRELIMINARY MOTIONS**" filed on even date with this judgment that the junior party's preliminary statement failed to overcome the earliest filing date accorded the senior party in this interference. Accordingly, it is now appropriate to enter judgment against the junior party. It is, therefore,

ORDERED that judgment as to the subject matter of Count 1, the sole count in this interference, is entered against Falko-Günter Falkner, George Holzer and Friedrich Dorner, the junior party, on the grounds that the junior party was not the first inventor of the subject matter of Count 1.

ORDERED that judgment as to the subject matter of Count 1, the sole count in this interference, is awarded to Stephen C. Inglis, Michael E.G. Bournsell and Anthony C. Minson, the senior party, on the grounds that the senior party is the first inventor of the subject matter of Count 1.

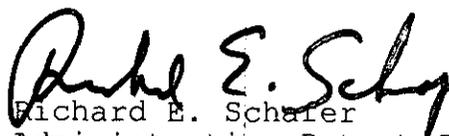
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FURTHER ORDERED that Falko-Günter Falkner, George Holzer and Friedrich Dorner, the junior party, are not entitled to claims 1 through 19 of their involved patent in this interference, U.S. Patent Number 5,770,212, and designated as corresponding to Count 1.

FURTHER ORDERED that, based on this record, Stephen C. Inglis, Michael E.G. Bournell and Anthony C. Minson, the senior party, are entitled to claims 9, 10, 29 and 30 of their involved U.S. application for patent, Serial Number 08/459,040, and designated as corresponding to Count 1.

FURTHER ORDERED that a copy of this judgment be filed in the respective involved applications and patent of the parties.


Andrew H. Metz)
Administrative Patent Judge)


Richard E. Schaler)
Administrative Patent Judge)


Richard Torczon)
Administrative Patent Judge)

) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES

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