

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 18

Filed by: Interference Trial Section Merits Panel

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

AMGEN, INC.
(Glen F. Pierce, Regina M. Housley
and Charles F. Morris),
Junior Party
(Patent 5,814,605),

FAXED

MAR 29 2004

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

v.

THE UNITED STATES OF AMERICA,
as Represented by the Secretary of the Department of Health and Human Services
(Jeffrey S. Rubin, Paul W. Finch and Stuart A. Aaronson),
Senior Party
(Application 08/477,983).

Patent Interference No. 105,199

JUDGMENT - RULE 662

Before: SCHAFFER, TORCZON and LANE, Administrative Patent Judges.

SCHAFFER, Administrative Patent Judge.

Amgen, Inc. has filed a paper requesting entry of an adverse judgment in this interference under 37 CFR § 1.662(a). Paper 17. Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 4), is awarded against the junior party, AMGEN, INC.;

FURTHER ORDERED that junior party, AMGEN, INC., is not entitled to a patent containing claims 1-5 (corresponding to Count 1) of Patent 5,814,605;

FURTHER ORDERED that a copy of this judgment be made of record in the file of Patent 5,814,605; and Application 08/477,983;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER)
Administrative Patent Judge)


RICHARD TORCZON) BOARD OF PATENT)
Administrative Patent Judge) APPEALS AND)
INTERFERENCES)


SALLY GARDNER LANE)
Administrative Patent Judge)

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