

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

---

Patent Interference No. 105,368

---

**TARGACEPT, INC.**  
(6,440,970),  
Junior Party,

v.

**ABBOTT LABORATORIES**  
(10/412,510),  
Senior Party.

---

Entered: 6 April 2006

---

**Judgment - Bd. R. 127(b) - Requested**

Before SCHAFFER, LEE, and TORCZON, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

1 Targacept has abandoned the contest (see Paper 17), which makes this case  
2 ripe for judgment. Bd.R. 127(b)(4).

3 JUDGMENT

4 DECIDED that judgment ADVERSE to Targacept be entered;

5 FURTHER DECIDED that all of Targacept's involved patent claims, claims 1-10,  
6 be CANCELED; and

1           FURTHER DECIDED that a copy of this decision be entered in the administrative  
2 records of the involved patent and patent application.

RICHARD E. SCHAFER  
Administrative Patent Judge

JAMESON LEE  
Administrative Patent Judge

RICHARD TORCZON  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

cc (via electronic mail):

For Targacept, Inc., **Carl B. Massey, Jr.** and **Ian A. Calvert**, WOMBLE CARLYLE  
SANDRIDGE & RICE, PLLC, of Winston-Salem, North Carolina.

For Abbott Laboratories: **Malcolm K. McGowan**, **Erin M. Dunston**, and **R. Danny  
Huntington**, BINGHAM McCUTCHEN LLP, of Washington, D.C.

**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).