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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

LAURE **DUMOUTIER**, JAMILA LOUHED,
AND JEAN-CHRISTOPHE RENAULD

Junior Party
(U.S. Patent 6,331,613),

v.

KENNETH **JACOBS**, LYNETTE FOUSER,
VIKKI SPAULDING AND DEJUN XUAN

Senior Party
(U.S. Application 09/561,811).

Patent Interference No. 105,409 (MPT)
(Technology Center 1600)

JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)

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Before: Torczon, Tierney and Moore, *Administrative Patent Judges*

Tierney, *Administrative Patent Judge*.

An Order to Show Cause (Paper No. 35) was issued on July 20, 2006 as a settlement agreement is in place whereby the involved Dumoutier '613 patent has been assigned to Jacobs' real party in interest, Wyeth. (Paper No. 33). In response to the Order to Show Cause, Dumoutier has requested that adverse judgment as to the subject matter of Count 1, the sole count in interference, be entered against it. (Paper No. 37, Dumoutier Request for Adverse

1 Judgment).

2 It is:

3 **ORDERED** that judgment on priority as to Count 1, the sole count in interference, is
4 awarded against Junior Party Dumoutier.

5 **FURTHER ORDERED** that Junior Party Dumoutier is not entitled to a patent
6 containing claims 1, 3-8, 16, 18, and 22 of U.S. Patent No. 6,331,613, all of which correspond to
7 Count 1.

8 **FURTHER ORDERED** that a copy of this paper shall be made of record in the files of
9 U.S. Application No. 09/561,811 and U.S. Patent No. 6,331,613.

10 **FURTHER ORDERED** that should there be a settlement agreement, the parties
11 attention is directed to 35 U.S.C. §135(c) and 37 Bd. R. 205.

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13 /s/ Richard Torczon)

14 RICHARD TORCZON)

15 Administrative Patent Judge)

16)

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18)

19 /s/ Michael P. Tierney) BOARD OF PATENT

20 MICHAEL P. TIERNEY) APPEALS

21 Administrative Patent Judge) AND

22) INTERFERENCES

23)

24)

25 /s/ James T. Moore)

26 JAMES T. MOORE)

27 Administrative Patent Judge)

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1 cc (via email):
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