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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

JOHNSON & JOHNSON CONSUMER FRANCE, SAS, ROC DIVISION,
Junior Party
(Application 11/154,606,
Inventors: Theresa Callaghan, Thierry Oddos,
Gerard Gendimenico and Katharine Martin),

v.

INDENA S.P.A.,
Senior Party
(Patent 6,479,080
Inventors: Ezio Bombardelli
and Paolo Morazzoni).

Patent Interference 105,423 (RES)
(Technology Center 1600)

Before: SCHAFER, TORCZON and MOORE, Administrative Patent Judges.

PER CURIUM

1 **Judgment - Request for Adverse - Bd.R. 127(b)**
2

3 Indena, S.P.A. (Bombardelli) has filed a paper requesting entry of an adverse
4 judgment under 37 CFR ' 41.127(b). Paper 27. Accordingly, it is

5 **ORDERED** that judgment on priority as to the subject matter of Count 1 (Paper
6 1, p. 3) is awarded against Indena, S.P.A.;

1 **FURTHER ORDERED** that Indena, S.P.A., is not entitled to a patent containing
2 claims 1-12 (corresponding to Count 1) of Patent 6,479,080;

3 **FURTHER ORDERED** that a copy of this judgment be made of record in the
4 file of Patent 6,479,080 and Application 11/154,606;

5 **FURTHER ORDERED** that if there is any settlement agreement which has not
6 been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205; and

7 **FURTHER ORDERED** that the settlement agreement may be filed in paper
8 rather than by e-mail.

<u>/Richard E. Schafer/</u> RICHARD E. SCHAFER Administrative Patent Judge)
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<u>/Richard Torczon/</u> RICHARD TORCZON Administrative Patent Judge	BOARD OF PATENT APPEALS AND INTERFERENCES
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<u>/James T. Moore/</u> JAMES T. MOORE Administrative Patent Judge)
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cc (e-mail):

Counsel for J & J CONSUMER FRANCE: Barry E. Bretschneider, Esq. MORRISON & FOERSTER, LLP 1650 Tysons Boulevard, Suite 300 McLean, VA 22102 bbretschnieder@mofo.com pdavis@mofo.com Tel: 703-760-7700 Fax: 703-760-7777	Counsel for INDENA S.p.A.: Thomas E. Friebel, Esq. JONES DAY 222 East 41st Street New York, N.Y. 10017-6702 tefriebel@jonesday.com tgowan@jonesday.com Tel: 212-326-3939 Fax: 212-755-7306
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