

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

Filed by: Trial Section Merits Panel  
Mail Stop INTERFERENCE  
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Paper No. 74

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**JAY K. BASS**, JOHN F. McENTEE,  
TIM J. LAZARUK, MARYAM MOBED-MIREMADI,  
and BRENT T. TOLOSKO  
Junior Party  
(Patent 6,790.620)<sup>1</sup>

v.

**MARTIN GOLDBERG**, MARTIN DIGGELMAN, EARL HUBBELL  
GLENN McGALL, NAM QUOC NGO, MACDONALD MORRIS,  
MEL YAMAMOTO, JENNIFER TAN and RICHARD P. RAVA  
Senior Party  
(Application 11/224,052)<sup>2</sup>

Patent Interference No. 105,424

Before LEE, MEDLEY and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

<sup>1</sup> Based on Application 10/035,787, filed December 24, 2001. The real party in interest is Agilent Technologies, Inc.

<sup>2</sup> Filed September 13, 2005. Accorded the benefit of Application 10/722,032, filed November 25, 2003, Application 09/716,507, filed November 20, 2000, Application 09/244,568, filed February 4, 1999, and Application 08/634,053, filed April 17, 1996. The real party in interest is Affymetric, Inc.

Interference No. 105,424  
Bass v. Goldberg

**Judgment - Merits -- Bd. R. 127**

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3 In a decision on motions dated May 7, 2007, the Board has  
4 determined that all of party Goldberg's claims corresponding to the count,  
5 i.e., application claims 1-3, are unpatentable under 35 U.S.C. § 112, first  
6 paragraph, for lack of written description. Consequently, Goldberg is  
7 without standing to proceed further in this interference. It is now time  
8 appropriate to enter judgment against party Goldberg. It is

9 **ORDERED** that judgment as to the subject matter of the count is  
10 herein entered against the senior party MARTIN GOLDBERG, MARTIN  
11 DIGGELMAN, EARL HUBBELL, GLENN McGALL, NAM QUOC NGO,  
12 MACDONALD MORRIS, MEL YAMAMOTO, JENNIFER TAN and  
13 RICHARD P. RAVA;

14 **FURTHER ORDERED** that senior party MARTIN GOLDBERG,  
15 MARTIN DIGGELMAN, EARL HUBBELL, GLENN McGALL, NAM QUOC  
16 NGO, MACDONALD MORRIS, MEL YAMAMOTO, JENNIFER TAN and  
17 RICHARD P. RAVA is not entitled to a patent containing its application  
18 claims 1-3;

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Interference No. 105,424  
Bass v. Goldberg

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