

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

Patent Interference No. 105,434

SIRNA THERAPEUTICS, INC.
(6,183,959; 6,448,009; and 10/103,480)
Junior Party,
v.
IMMUSOL, INC.
(10/613,565),
Senior Party.

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

TORCZON, *Administrative Patent Judge*.

JUDGMENT

In view of the adverse decision on junior party priority showing,¹ it is—

ORDERED that judgment be entered against the junior party for the subject matter of count 1;²

¹ Paper 20, Decision on Priority.

² Paper 1, Declaration, at 3.

FURTHER ORDERED that claims 1-19 of the junior party's involved 10/103,480 application be FINALLY REFUSED;³

FURTHER ORDERED that claims 1-48 of the junior party's involved 6,183,959 patent be CANCELED;⁴

FURTHER ORDERED that claims 1-39 of the junior party's involved 6,448,009 patent be CANCELED;⁵ and

FURTHER ORDERED that a copy of this judgment be entered in the administrative records of the involved patents and applications.

cc:

Daniel A. Boehnen and Patrick G. Gattari, MCDONNELL BOEHNEN HULBERT & BERGHOFF, of Chicago, Illinois, for Sirna Therapeutics, Inc.

Kenneth A. Weber, TOWNSEND AND TOWNSEND AND CREW LLP, of San Francisco, California, for Immusol, Inc.

³ 35 U.S.C. § 135(a).

⁴ *Id.*

⁵ *Id.*