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Paper 61
Filed: July 26, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Human Genome Sciences, Inc.,
Junior Party
(Application 08/761,289,
Inventors: Jian Ni; Guo-Liang Yu; Pedro Alfonso; Reiner Gentz; and
Jeffrey Y. Su),

v.

Advanced Life Science Institute, Inc.,
Senior Party
(Patent 5,976,832;
Inventors: Jiro Hitomi; Ken Yamaguchi; Tokujiro Yamamura; and
Tatsuji Kimura).

Patent Interference 105,501 (RES)
(Technology Center 1600)

1 **Judgment - Request for Adverse - Bd.R. 127(b)**
2 Before: Schafer, Medley and Moore, *Administrative Patent Judges*.
3 Schafer, *Administrative Patent Judge*.

4 Advanced Life Science Institute, Inc. has filed a request for entry of
5 adverse judgment. Paper 58. Accordingly, it is

1 **ORDERED** that judgment on priority as to the subject matter of
2 Count 2 (Paper 55, p. 2) is awarded against Advanced Life Science Institute,
3 Inc.;

4 **FURTHER ORDERED** that Advanced Life Science Institute, Inc. is
5 not entitled to a patent containing claims 1-11 (corresponding to Count 2) of
6 Patent 5,976,832;

7 **FURTHER ORDERED** that a copy of this judgment be made of
8 record in the file of Patent 5,976,832, and Application 08/761,289; and

9 **FURTHER ORDERED** that if there is any settlement agreement
10 which has not been filed, attention is directed to 35 U.S.C. ' 135(c) and
11 37 CFR ' 41.205.

/Richard E. Schafer/)
RICHARD E. SCHAFER)
Administrative Patent Judge)

/Sally C. Medley/) BOARD OF PATENT
SALLY C. MEDLEY) APPEALS AND
Administrative Patent Judge) INTERFERENCES

/James T. Moore/)
JAMES T. MOORE)
Administrative Patent Judge)

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