

Mail Stop Interference  
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Filed June 26, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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H. LUNDBECK A/S  
Junior Party  
(U.S. Patent 6,221,660),

v.

ARENA PHARMACEUTICALS, INC.  
Senior Party  
(Application 10/272,983).

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Patent Interference No. 105,542 (MPT)  
(Technology Center 1600)

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

TIERNEY, *Administrative Patent Judge.*

**JUDGMENT - ADVERSE - Bd. R. 127(b)**

1           Lundbeck has filed a request for adverse judgment as to Count 1, the sole  
2 count in interference. (Paper 23). No motions have been filed in this interference.

3    It is:

4           ORDERED that judgment on priority as to Count 1, the sole count in  
5 interference (Redeclaration, Paper 22), is awarded against Junior Party Lundbeck.

6           FURTHER ORDERED that Junior Party Lundbeck is not entitled to claims  
7 1-3, 5-9 and 12-20 of U.S. Patent 6,221,660, all of which correspond to Count 1,

8           FURTHER ORDERED that a copy of this paper shall be made of record in  
9 the files of Lundbeck, U.S. Patent 6,221,660 and Arena Pharmaceuticals, U.S.

10 Application 10/272,983.

11           FURTHER ORDERED that the parties' attention is directed to 35 U.S.C.

12 §135(c) and Bd. R. 205.

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