

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

HUMAN GENOME SCIENCES, INC.
(08/916,281),
Junior Party,

v.

DNAX RESEARCH INSTITUTE
(08/799,028),
Senior Party.

Interference No. 105,172

Before SCHAFFER, TORCZON, and MOORE, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT

(PURSUANT TO 37 CFR § 1.662(a))

INTRODUCTION

Human Genome Sciences, Inc. (HGS) has filed a paper (Paper 3) stating that it "does not wish to proceed with the above-captioned interference." This statement is construed to be an abandonment of the contest within the meaning of 37 C.F.R. § 1.662(a). Consequently, judgment is entered against HGS pursuant to § 1.662(a).

ORDER

Upon consideration of HGS's abandonment of the contest, it is:

ORDERED that judgment on priority as to Count 1 is awarded against HGS;

FURTHER ORDERED that HGS is not entitled to a patent containing claims 36-40 and 50-53 of HGS's 08/916,281 application, which correspond to Count 1;

FURTHER ORDERED that judgment on priority as to Count 2 is awarded against HGS;

FURTHER ORDERED that HGS is not entitled to a patent containing claims 36-40, 50, and 51 of HGS's 08/916,281 application, which correspond to Count 2; and

FURTHER ORDERED that a copy of this decision be entered in the administrative record of HGS's 08/916,281 application and of DNAX Research Institute's 08/799,028 application.

RICHARD E. SCHAFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

JAMES T. MOORE
Administrative Patent Judge

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INTERFERENCE
TRIAL SECTION

cc (facsimile):

For Human Genome Sciences: Mark J. Hyman of HUMAN GENOME SCIENCES, INC.
(fax: 301-309-8439).

For DNAX Research Institute: Edwin P. Ching of DNAX RESEARCH INSTITUTE (fax:
415-496-1200) and Michael G. Biro of SCHERING-PLOUGH CORPORATION
(fax: 908-298-5388).

Notice: Any agreement or understanding between parties to this interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the United States Patent and Trademark Office before termination of the interference as between said parties to the agreement or understanding. 35 U.S.C. 135(c); 37 C.F.R. § 1.661.