

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

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

v.

SHIONOGI K.K.
(09/043,861),
Senior Party.

Interference No. 105,184

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

TORCZON, Administrative Patent Judge.

REDECLARATION and JUDGMENT
(PURSUANT TO 37 CFR §§ 1.640 and 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).

Note that in both counts, the involved HGS application is mis-identified as "08/799,028". The claim correspondence is correct, so this typographical error does not change the outcome.

ORDER

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

ORDERED that "08/916,281" be substituted for "08/799,028" in both counts;

FURTHER 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 Shionogi's 09/043,861 application.

RICHARD E. SCHAFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

JAMES T. MOORE
Administrative Patent Judge

BOARD OF
PATENT
APPEALS AND
INTERFERENCES

INTERFERENCE
TRIAL SECTION

cc (facsimile):

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

For Shionogi K.K.: Harold C. Wegner and Stephen B. Maebius, both of FOLEY &
LARDNER (fax: 202-672-5399).