

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

Patent Interference No. 105,307

INCYTE PHARMACEUTICALS, INC.

(5,942,606),
Junior Party,

v.

GENENTECH, INC.

(09/907,942),
Senior Party.

Entered: 16 May 2005

Judgment - Bd. R. 127(b) - Requested

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

TORCZON, Administrative Patent Judge.

Yesterday at 4 p.m. (Eastern) there was a telephone conference involving George Quillin for Incyte,¹ John Isacson for Genentech, and Richard Torczon for the Board of Patent Appeals and Interferences. Mr. Quillin stated that Incyte would not be contesting the interference. On the basis of this statement, it is—

DECIDED that judgment be entered against Incyte for count 1, the sole count;

¹ The Board does not yet have a designation of Mr. Quillin pursuant to Bd.R. 108. Moreover, PALM does not indicate Mr. Quillin has a power of attorney in the underlying patent. Nevertheless, as a registered practitioner, Mr. Quillin may appear on his own authority. 37 C.F.R. § 1.34. Mr. Quillin stated that a designation has already been filed, and Mr. Isacson indicated that he had been served a copy. The Board is acting on Mr. Quillin's representation, but is also mailing a copy to the Incyte's counsel of record in this interference. Any challenge to Mr. Quillin's authority to act must be made in the form of a request for rehearing under Bd.R. 127(d).

FURTHER DECIDED that Incyte claims 1-3 and 6-9, which correspond to the count be CANCELED; and

FURTHER DECIDED that a copy of this decision be entered in the administrative records of Genentech application 09/907,942 and Incyte patent 5,942,606.

cc (via first-class mail):

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Notice: Agreements and understandings regarding the termination of an interference are subject to filing requirements under 35 U.S.C. 135(c).

Notice: In the event of judicial review, note the requirements of Bd. R. 8(b).