

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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TINE OLESEN  
Junior Party<sup>1</sup>

v.

JOHANNES H. VAN EIJK and BRIAN E. JONES  
Senior Party<sup>2</sup>

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Patent Interference No. 103,123

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Before DOWNEY and WILLIAM F. SMITH, Administrative Patent Judges, and  
McKELVEY, Senior Administrative Patent Judge.

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<sup>1</sup> Application 07/828,921, filed January 30, 1992. Assignee for Novo Nordisk, DK-2880 Bagsvaerd, Denmark, Corporation of Denmark. Accorded Benefit PCT/DK 90/00244, filed September 26, 1990; Denmark 4745/89, filed September 27, 1989.

<sup>2</sup> Patent No. 5,023,094, issued June 11, 1991, Serial No. 07/421,997, filed October 16, 1989. Assignee for Gist-Brocades, N.V. Delft, Netherlands, A Corporation of the Netherlands. Accorded benefit European Application No. 892020744, filed August 10, 1989.

Interference No. 103,123

DOWNEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662(a)

Olesen, the junior party, has conceded priority to party Van Eijk (Paper No. 120, page 5, paragraph 9). The Olesen concession of priority, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment as to all the claims which correspond to the count in this interference.

Accordingly, JUDGMENT as to the subject matter of the count in issue is hereby awarded to Johannes H. Van Eijk and Brian E. Jones, the senior party and against Tine Olesen, the junior party. Accordingly, on this record, Van Eijk et al. are entitled to their patent containing claims 1-14 and Olesen is not entitled to a patent containing claims 1, 2, 4, 8-18 and 20 corresponding to the count.

MARY F. DOWNEY )  
Administrative Patent Judge )  
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)  
) BOARD OF PATENT  
WILLIAM F. SMITH )  
Administrative Patent Judge ) APPEALS AND  
)  
) INTERFERENCES  
)

Interference No. 103,123

FRED E. McKELVEY, Senior )  
Administrative Patent Judge )

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