

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 58

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

JOSEPH D. BUXBAUM, SAMUEL E. GANDY  
and PAUL GREENGARD

Junior Party,<sup>1</sup>

v.

ROGER M. NITSCH, BARBARA E. SLACK, RICHARD J. WURTMAN  
and JOHN H. GROWDON

Senior Party.<sup>2</sup>

---

Interference No. 103,915

---

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.662(a)

---

<sup>1</sup> Application No. 08/073,112, filed June 7, 1993, now U.S. Patent No. 5,385,915, issued January 31, 1995. Assignor to The Rockefeller University, New York, NY.

<sup>2</sup> Application No. 08/228,078, filed April 15, 1994. Accorded Benefit of U.S. Application No. 07/959,253, filed October 19, 1992. Assignor to Massachusetts Institute of Technology, A Corp. of Massachusetts.

Interference No. 103,915

Buxbaum et al., the junior party, have filed a request for entry of adverse judgment as to count 1 and Nitsch et al., the senior party, have filed a request for entry of adverse judgment as to count 2. Pursuant to 37 CFR § 1.662(a), judgment as to the subject matter of count 1 is hereby awarded to Roger M. Nitsch, Barbara E. Slack, Richard J. Wurtman and John H. Growdon, the senior party and judgment as to the subject matter of count 2 is hereby awarded to Joseph D. Buxbaum, Samuel E. Gandy and Paul Greengard, the junior party. Accordingly, on the present record, Buxbaum et al. are not entitled to a patent containing claims 33, 35 and 36 corresponding to count 1, and Nitsch et al. are not entitled to a patent containing claims 35 to 43 corresponding to count 2.

STANLEY M. URYNOWICZ, JR.	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
MICHAEL SOFOCLEOUS	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
MARY F. DOWNEY	)	
Administrative Patent Judge	)	

clm

Attorneys for Buxbaum et al.:

Klauber & Jackson

Interference No. 103,915

411 Hackensack Ave.  
Hackensack, NY 07601

Attorneys for Nitsch et al.:

Lowe, Price, LeBlanc & Becker  
99 Canal Center Plaza  
Ste. 300  
Alexandria, VA 22314