

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

C. THOMAS CASKEY, YING HUI FU, DAVID L. FRIEDMAN,
ANTONIO PIZZUTI and RAYMOND G. FENWICK

Junior Party,¹

v.

J. DAVID BROOK, DAVID E. HOUSMAN, DUNCAN J. SHAW,
HELEN G. HARLEY and KEITH J. JOHNSON

Junior Party,²

v.

ROBERT G. KORNELUK and MANI S. MAHADEVAN

¹ Application No. 08/484,044, filed June 6, 1993, now U.S. Patent No. 5,552,282, issued September 3, 1996. Accorded Benefit of U.S. Application No. 08/019,940, filed February 19, 1993. Assignor to Baylor College of Medicine, Houston, TX.

² Application No. 08/422,699, filed April 14, 1995. Accorded Benefit of U.S. Application Nos. 08/284,543, filed August 8, 1994; 08/023,612, filed February 26, 1993; and 07/839,255, filed February 20, 1992; PCT Application Nos. PCT US93/01545, filed February 19, 1993; PCT GB93/00253, filed February 5, 1993; and GB92/02485.0, filed February 6, 1992.

Interference No. 103,978

Senior Party.³

Interference No. 103,978

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT

Caskey et al., a junior party, have filed a concession of priority which, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment as to all claims which correspond to the count.

Korneluk et al., the senior party, have filed a concession of priority which, pursuant to 37 CFR § 1.662(a), is treated as a request for entry of an adverse judgment as to all claims which correspond to the count.

Accordingly, judgment as to the subject matter of the count in issue is hereby awarded to J. David Brook, David E. Housman, Duncan J. Shaw, Helen G. Harley and Keith J. Johnson,

³ Application No. 08/292,430, filed August 18, 1994. Accorded Benefit of PCT/CA93/00068, filed February 18, 1993; and U.S. Application No. 07/837,405, filed February 18, 1992

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the junior party. C. Thomas Caskey, Ying Hui Fu, David L. Friedman,

Antonio Pizzuti and Raymond G. Fenwick are not entitled to a patent containing claims 1 to 16 corresponding to the count.

Robert G. Korneluk and Mani S. Mahadevan are not entitled to a patent containing claims 13 to 24 corresponding to the count.

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

Interference No. 103,978

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