

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 34

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BERNARD MOSS and MICHAEL J. MERCHLINSKY

Junior Party,¹

v.

FRIEDRICH DORNER, FRIEDRICH SCHEIFLINGER,
FALCO GUNTER FALKNER and MICHAEL PFLEIDERER

Senior Party.²

Interference No. 103,779

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT

¹ Application No. 07/935,812, filed August 26, 1992. Assignor to Dept. of Health & Human Services.

² Application No. 07/914,738, filed July 20, 1992. Accorded Benefit of U.S. Application No. 07/750,080, filed August 26, 1991, now Patent No. 5,445,953, issued August 29, 1995. Assignors to Immuno Aktiengesellschaft and Baxter International, Inc.

Interference No. 103,779

Dorner 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 Bernard Moss and Michael J. Merchlinsky, the junior party. Friedrich Dorner, Friedrich Scheifflinger, Falko Gunter Falkner and Michael Pfleiderer, the senior party, are not entitled to a patent containing claims 50-52, 74, 76, 78 to 84, 97 and 100 to 113.

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. 103,779

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