

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(2) is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RANDAL W. SCOTT and MARIAN N. MARRA,

Junior Party,¹

v.

PETER ELSBACH and JERROLD WEISS,

Senior Party.²

¹Patent 5,334,584, granted August 2, 1994, based on Application 07/990,044, filed December 14, 1992. Accorded the benefit of U.S. Application Nos. 07/681,551, filed April 5, 1991, now Patent No. 5,171,739, granted December 15, 1992; 07/567,016, filed August 13, 1990, now abandoned; 07/468,696, filed 01/22/1990, now Patent No. 5,089,274, granted February 18, 1992; and 07/310,842, filed February 14, 1989, now abandoned. Assignors to INCYTE Pharmaceuticals, Inc., Palo Alto, CA.

²Application 08/361,299, filed January 23, 1995. Accorded the benefit of U.S. Application Nos. 08/007,837, filed January 22, 1993, now Patent No. 5,641,874, granted June 24, 1997; 07/805,031, filed December 11, 1991, now Patent No.

Interference No. 104,042

Patent Interference No. 104,042

Before URYNOWICZ, SOFOCLEOUS, CAROFF, Administrative Patent Judges.

CAROFF, Administrative Patent Judge.

JUDGMENT

The junior party patentee, Scott et al., through its assignee,³ Incyte Pharmaceuticals, Inc., has filed a request for entry of an adverse judgment (Paper No. 15) pursuant to 37 CFR § 1.662(a), and a statutory disclaimer of the subject matter of involved Scott patent claim 1 (Paper No. 16) pursuant to 35 U.S.C. § 253. Accordingly, judgment is hereby entered as follows:

Judgment as to the subject matter of the sole count in issue is hereby awarded to Elsbach et al, the senior party. Scott et al. are not entitled to their patent claim 1

5,198,541, granted March 30, 1993; 07/762,730, filed September 17, 1991, now abandoned; and 07/228,035, filed August 5, 1988, now abandoned.

³Pursuant to 37 CFR § 1.643(a), the assignee is entitled to prosecute this interference.

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corresponding to the count.

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On this record, Elsbach et al. are entitled to their
involved claims 13-26.

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Administrative Patent Judge)	

Interference No. 104,042

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