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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WERNER FORY, ELMAR KERBER and
MANFRED HUDETZ

Junior Party,¹

v.

RANIER SCHUTZE, HEINZ KEHNE,
KLAUS BAUER and HERMANN BIERINGER

Senior Party,²

Patent Interference No. 104,080

JUDGMENT

Before RONALD H. SMITH, CAROFF, and ELLIS, Administrative
Patent Judges.

¹ Application Serial No. 08/434,902, filed May 1, 1995,
now Patent No. 5,532,203, granted July 2, 1996. Assignee:
Novartis Corporation, NY.

² Application 08/333,882, filed November 3, 1994.
Assignee: Hoechst AG, Hoechst Schering AgrEvo GmbH, Rainer
Schutze, Heinz Kehne, Klaus Bauer and Hermann Bieringer.

Interference No. 104,059

ELLIS, Administrative Patent Judge.

JUDGMENT

On July 9, 1998, the party FORY filed an unopposed motion for "Termination of the Interference," which pursuant to the provisions of 37 CFR § 1.662(a), is treated as a "Request for Adverse Judgment" for all the claims corresponding to count 1.

Accordingly, JUDGMENT as to the subject matter of the count in issue is hereby awarded to senior party, RANIER SCHUTZE, HEINZ KEHNE, KLAUS BAUER and HERMANN BIERINGER. Junior party, WERNER FORY, ELMAR KERBER and MANFRED HUDETZ, is not entitled to claims 19 and 20 in their U.S. patent 5,532,203, which claims correspond to count 1. On this record, party SCHUTZE is entitled to a patent containing claims 1 through 4, 6 through 8 and 11 through 44.

RONALD H. SMITH)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
MARC L. CAROFF)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
JOAN ELLIS)	

Interference No. 104,059

Administrative Patent Judge)

Interference No. 104,059

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