

Trial Section Merits Panel
BOX INTERFERENCE
WASHINGTON DC 20231
Telephone: 703-308-9797
Facsimile: 703-305-0942

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

STEVEN W. ADAMS,
ROSA ARMSTRONG, and DAVID ROSEN
(5,118,667),

Junior Party,

v.

ROBERT R. BÜRK
(08/774,510),

Senior Party.

Interference No. 104,462

Before McKELVEY, Senior Administrative Patent Judge, SCHAFER
and TORCZON, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT

(PURSUANT TO 37 CFR § 1.662)

INTRODUCTION

During a telephone conference with the parties and the
administering administrative patent judge, Adams conceded
priority to the count, but the parties requested time to

consider designating some more of Adams' claims as corresponding to the count. The administrative patent judge placed Adams under an order to show cause to permit the parties a limited period to resolve the issue. (Paper No. 18) Bürk responded with an unopposed motion to designate additional Adams' claims (Paper No. 19). That motion was granted (Paper No. 20) and the interference redeclared accordingly (Paper No. 21). Adams never responded to the order to show cause except to confirm with Interference Administrator Sally Gardner-Lane through counsel that Adams expects to receive an adverse judgment on priority.

ORDER

Upon consideration of the record of this interference, it is-

ORDERED that judgment on priority as to Count 1 is awarded against junior party Adams;

FURTHER ORDERED that junior party Adams is not entitled to a patent containing claims 1, 5, 7-15, 19, 21-39, 43, 45-51, 53, 54, 58, 60-66, and 68 of its 5,118,667 patent, which correspond to Count 1;

FURTHER ORDERED that, based on the record before us, senior party Bürk is entitled to a patent containing claims 3-

8, 22, 23, and 25-31 of its 08/774,510 application, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Adams' 5,118,667 patent and Bürk's 08/774,510 application.

FRED E. MCKELVEY, Senior
Administrative Patent Judge

RICHARD E. SCHAFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

BOARD OF
PATENT
APPEALS AND
INTERFERENCES

Interference No. 104,462
Adams v. Bürk

Paper No. 22
Page 4

Counsel for Adams
(real party in interest, Celtrix Pharmaceuticals, Inc.;
licensee, Genzyme Corporation):

James F. Haley, Jr.
Z. Ying Li
Madge R. Kanter (at Genzyme Corporation)
FISH & NEAVE
1251 AVE OF THE AMERICAS FL 50
NEW YORK NY 10020

Fax: 212-596-9090

Counsel for Bürk
(real party in interest, Novartis Corporation, a subsidiary
of
Novartis AG; licensee, Chiron Corporation):

Michael W. Glynn
Gregory D. Ferraro
Melvyn M. Kassenoff
Carol A. Loeschorn
NOVARTIS CORPORATION
Patent & Trademark Department
564 MORRIS AVE
SUMMIT NJ 07901-1027

Fax: 908-522-6955



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Board of Patent Appeals and Interferences
Interference Trial Section

2 February 2001 - 11.50

TO: Yolunda R. Townes
Sonja Desperrt

FROM: Richard Torczon

INTERFERENCE NO. 104,462

- 9 Please review the attachment and, if no corrections are necessary, please circulate as indicated.
- 9 If corrections are necessary, please mark the attachment accordingly and return it to me.

Thank you for your assistance in this matter.

Attachment

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