

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID OWERBACH

Junior Party,¹

v.

HENRY A. ERLICH and GLENN T. HORN

Senior Party.²

Interference No. 103,840

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

¹ Application No. 06/880,857, filed 07/01/86, now U.S. Patent No. 4,965,189, issued 10/23/90. Assignor to University of Massachusetts Medical School, A MA Corp.

² Application No. 07/121,519, filed 11/17/87. Accorded Benefit of U.S. Application Nos. 06/899,512, filed 08/22/86; 06/899,344, filed 08/22/86; and 06/839,331, filed 03/31/86; all abandoned. Assignor to Hoffman-La Roche, Inc., A Corp. of NJ.

Interference No. 103,840

SOFOCLEOUS, Administrative Patent Judge.

Interference No. 103,840

JUDGMENT

The amendment, filed on February 6, 1988, in the involved Erlich et al. application has been entered. Roche Molecular Systems, Inc., the common assignee of Owerbach, the junior party, and Erlich et al., the senior party, has filed an abandonment of the invention on behalf of both parties, 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 against both parties. David Owerbach, the junior party, is not entitled to a patent containing claims 1, 4 and 7 and Henry A. Erlich and Glenn T. Horn, the senior party, are not entitled to a patent containing claims 13, 41, 47, 65 and 66.

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

Interference No. 103,840

MARY F. DOWNEY)
Administrative Patent Judge)

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