

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

This opinion was not written for publication and is not binding precedent of the Board.

Paper 37

Filed by: Interference Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES W. YOUNG and STEVEN BRANDT
Junior Party
(Patent 5,786,357),

v.

CLAUDE COTREL and GERARD ROUSSEL
Senior party,
(Application 09/124,651).

Patent Interference No. 104,423

Before: McKELVEY, Senior Administrative Patent Judge, and SCHAFER and LEE, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the request of the common assignee, Sepracor Inc., for entry of adverse judgment against junior party Young (Paper 30), it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 32), is awarded against the junior party JAMES W. YOUNG and STEVEN BRANDT;

FURTHER ORDERED that junior party, JAMES W. YOUNG and STEVEN BRANDT, is not entitled to a patent containing claims 1-7, and 15-22 (corresponding to Count 1) of Patent 5,786,357; and

FURTHER ORDERED that a copy of this judgment be made of record in application 09/124,651 and in the file of Patent 5,786,357.

_____)	
FRED E. McKELVEY)	
Senior Administrative Patent Judge)	
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)	
_____)	BOARD OF PATENT
RICHARD E. SCHAFER)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
JAMESON LEE)	
Administrative Patent Judge)	

cc (via Fax):

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