

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID KEITH DONALD, MARK FURBER
and MARTIN EDWARD COOPER

Junior Party,¹

v.

KARL BAUMANN and GERHARD EMMER

Senior Party.²

Interference No. 103,831

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

¹ Application 07/924,067, filed September 11, 1992, now U.S. Patent No. 5,296,489, issued March 22, 1994. Accorded Benefit of PCT Application PCT/GB91/00393, filed March 13, 1991. Assignors to FISONs, Ipswich, England

² Application 08/276,276, filed July 18, 1994. Accorded Benefit of U.S. Applications 07/697,864, filed May 9, 1991, now U.S. Patent No. 5,352,671, issued October 4, 1994 and 07/609,280, filed November 5, 1990, now abandoned.

Interference No. 103,831

JUDGMENT

Donald et al., the junior party, have filed a request for entry of an adverse judgment. Because of the request, it is not necessary to decide any of the preliminary motions (Paper Nos. 15 to 19) filed by both parties. Accordingly, these motions are dismissed as moot.

Pursuant to 37 CFR § 1.662(a), judgment as to the subject matter of the counts in issue is hereby awarded to Karl Baumann and Gerhard Emmer, the senior party. Accordingly, David Keith Donald, Mark Furber and Martin Edward Cooper are not entitled to a patent containing claims 1 to 9 corresponding to the counts.

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

Interference No. 103,831

Attorneys for Donald et al.:

Thomas L. Irving, Esq.
Finnegan, Henderson, Farabow,
Garrett and Dunner, L.L.P.
1300 I. St., N.W., Suite 700
Washington, DC 20005-3315

Attorneys for Baumann et al.:

Gerald D. Sharkin
Sandoz Corp.
59 Route 10
East Hanover, NJ 07936