

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

STEPHEN A. THOMSON, STEWART A. NOBLE
and DANIEL J. RICCA

Junior Party,¹

v.

OLE BUCHARDT, MICHAEL EGHOLM, PETER E. NIELSEN
and ROLF H. BERG

Senior Party.²

Interference No. 103,897

Before RONALD H. SMITH, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

¹ Application No. 07/809,661, filed December 18, 1991. Assignor to Glaxo Inc. of Research Triangle Park, North Carolina.

² Application No. 08/108,591, filed November 22, 1993. Accorded Benefit of Applications PCT EP92/01219, filed May 22, 1992; Denmark DK 0510/92, filed April 15, 1992 and Denmark DK 0986/91 and 0987/91, filed May 24, 1991.

Interference No. 103,897

SOFOCLEOUS, Administrative Patent Judge.

Interference No. 103,897

JUDGMENT

Thomson et al., the junior party, have filed an express abandonment of their involved application, 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 to Ole Buchardt, Michael Egholm,

Peter E. Nielsen and Rolf H. Berg, the senior party.

Stephen A. Thomson, Stewart A. Noble and Daniel J. Ricca, the junior party, are not entitled to a patent containing claims 37 to 44 corresponding to the count.

RONALD H. SMITH)	
Administrative Patent Judge)	
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MICHAEL SOFOCLEOUS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
MARY F. DOWNEY)	
Administrative Patent Judge)	

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