

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(2) is not binding precedent of the Board.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. 37

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TIMOTHY D. BARTLEY and GARY M. FOX,
Junior Party,¹

v.

DOUGLAS P. CERRETTI,
Junior Party,²

v.

INGRID W. CARAS and JOHN W. WINSLOW,
Senior Party.³

Patent Interference No. 104,022

Before URYNOWICZ, CAROFF, and CRAWFORD, Administrative Patent

¹Application 08/379,802, filed January 27, 1995. Assignor to Amgen Inc.

²Application 08/396,946, filed March 1, 1995. Accorded the benefit of U.S. Application 08/351,025, filed December 6, 1994. Assignor to Immunex Corporation.

³Application 08/766,239, filed December 13, 1995. Accorded the benefit of U.S. Application 08/442,249, filed May 15, 1995; and U.S. Application 08/330,128, filed October 27, 1994.

Interference No. 104,022

Judges.

CAROFF, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.662

Junior party Cerretti and senior party Caras et al. have each filed a concession of priority with respect to count 1 (see Paper Nos. 35-36). These concessions are treated as requests for entry of adverse judgment as to all claims corresponding to the count pursuant to 37 CFR § 1.662(a).

Accordingly, judgment as to the subject matter of count 1, the sole count in issue, is hereby awarded to junior party Bartley et al.

Junior party Cerretti is not entitled to his claims 3-6, 8-9, 11-12, 14-15 and 26-40 corresponding to the count. Senior party Caras et al. are not entitled to their claims 19-28 corresponding to the count.

Interference No. 104,022

On this record, junior party Bartley et al. are entitled to their claims 15-16 and 18-23 corresponding to the count.

_____)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
_____)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
_____)	
Administrative Patent Judge)	

MLC:svt

Interference No. 104,022

Attorneys for Bartley et al.:

Robert B. Winters
U.S. Patent Operations, RBW
M/S 27-4-A
Amgen Inc.
One Amgen Center Drive
Thousand Oaks, CA 91320-1789

Attorneys for Cerretti:

Finnegan, Henderson, Farabow, Garrett & Dunner
1300 "I" Street, N.W.
Washington, D.C. 20005

Attorneys for Caras et al.:

Genentech, Inc.
Attn: Timothy E. Torchia
460 Point San Bruno Boulevard
South San Francisco, CA 94080