

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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DAVID T. SCADDEN, KEVIN P. BAKER and WILL F. BARON

Junior Party,<sup>1</sup>

v.

AXEL ULLRICH and FRAUKE H. E. ALVES

Senior Party.<sup>2</sup>

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Interference No. 104,096

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

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<sup>1</sup> Application No. 08/447,314, filed May 27, 1995. Accorded Benefit of U.S. Application Nos. 08/170,558, filed December 20, 1993, now abandoned; and 08/157,563, filed November 23, 1993, now abandoned. Assignor to GENENTECH, INC., South San Francisco, CA.

<sup>2</sup> Application No. 08/446,343, filed May 22, 1995. Accorded Benefit of U.S. Application No. 08/153,397, filed November 16, 1993. Assignor to Max-Planck-Gesellschaft zur Förderung der Wissenschaften, e.V.

Interference No. 104,096

SOFOCLEOUS, Administrative Patent Judge.

JUDGMENT

Ullrich et al., the senior party, have filed a request for entry of an adverse judgment. Pursuant to 37 CFR § 1.662(a), judgment as to the subject matter of the count in issue is hereby awarded to David T. Scadden, Kevin P. Baker and Will F. Baron, the junior party. Accordingly, Axel Ullrich and Frauke H. E. Alves, the senior party, are not entitled to a patent containing claims 75-83, 87 and 88 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	)	

Interference No. 104,096

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