

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(2) is not binding precedent of the Board.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. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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TAI-SHUN LIN and YUNG-CHI CHENG,  
Junior Party,<sup>1</sup>

v.

TAREK MANSOUR and ALLEN H. L. TSE,  
Senior Party.<sup>2</sup>

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Patent Interference No. 104,175

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Before URYNOWICZ, SOFOCLEOUS, and CAROFF, Administrative  
Patent Judges.

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<sup>1</sup>Patent No. 5,631,239, granted May 20, 1997, based on Application 08/544,650, filed October 18, 1995. Accorded the benefit of U.S. Application 08/067,229, filed May 25, 1993. Assignors to Yale University, New Haven, CT.

<sup>2</sup>Application 08/416,746, filed April 12, 1995. Accorded the benefit of PCT Application No. PCT/CA93/00563, filed December 22, 1993; and United Kingdom Application No. 9226927.3, filed December 24, 1992, now Patent No. 765,665 A1, granted April 2, 1997. Assignors to BioChem Pharma, Inc.

Interference No. 104,175

CAROFF, Administrative Patent Judge.

JUDGMENT

During a telephone conference on December 3, 1998, Mr. Coleman, lead counsel for junior party Lin et al. (Lin) represented that Lin has not filed any testimony-in-chief in this interference, and does not intend to do so. Moreover, Mr. Coleman represented that Lin would not file any paper to show good cause why judgment should not be entered under 37 CFR § 1.652. Under these circumstances, entry of judgment against Lin is in order and, accordingly, judgment is hereby entered as follows:

Judgment as to the subject matter of the counts in issue is hereby awarded to senior party Mansour et al. (Mansour).

Junior party Lin is not entitled to its involved patent containing claims 1-2, corresponding to count 1, and claim 3, corresponding to count 2.

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On this record, senior party Mansour is entitled to a patent containing claims 63, 67 and 69-70, corresponding to count 1, and claims 36, 47-56 and 71, corresponding to count 2.

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Administrative Patent Judge	)	
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Administrative Patent Judge	)	

MLC:svt

Interference No. 104,175

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