

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JOAN MASSAGUE  
Junior Party<sup>1</sup>

v.

HERBERT Y. LIN, XIAO-FAN WANG,  
ROBERT A. WEINBERG and HARVEY LODISH  
Senior Party<sup>2</sup>

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Patent Interference No. 103,770

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Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.

DOWNEY, Administrative Patent Judge.

JUDGMENT

On April, 2, 1998, Massague, the junior party, filed an abandonment of the contest,

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<sup>1</sup> Application 08/181,862, filed January 13, 1994. Accorded benefit of Application 07/793,997, filed November 15, 1991.

<sup>2</sup> Application 08/311,703 filed September 23, 1994. Accorded benefit of Application 07/786,063, filed October 31, 1991.

Interference No. 103,770

which pursuant to 37 CFR § 1.662(a) is treated as a request for entry of an adverse judgment as to all the claims which correspond to the count in this interference (Paper No. 30).

Accordingly, JUDGMENT as to the subject matter of the count in issue is hereby awarded to Herbert Y. Lin, Xiao-Fan Wang, Robert A. Weinberg and Harvey F. Lodish, the senior party. Accordingly, Joan Massague, the junior party, is not entitled to a patent containing claims 8-10, 15-17, 34, 35, 46-61, 63, 65 and 90 corresponding to the count. And on this record, party Lin et al. is entitled to a patent containing claims 9, 12, 13, 16, 18, and 35-44.

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

John P. White  
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Interference No. 103,770

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