

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

This paper (1) was not written for publication and (2) is not binding precedent of the Board.

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: (703)308-9797
Fax: (703)305-0942

Paper 51

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES W. YOUNG, RAYMOND L. WOOSLEY and YIWANG CHEN,
Junior Party,

v.

RAYMOND L. WOOSLEY, JAMES W. YOUNG and YIWANG CHEN,
Junior Party,

v.

JAMES K. WOODWARD, RICHARD A. OKERHOLM,
MARK G. ELLER and BRUCE E. McNUTT,
Senior Party.

Patent Interference 103,875

Before: SCHAFER, LEE and TORCZON, Administrative Patent Judges.

JUDGMENT PURSUANT TO 37 CFR § 1.662(a)

Woosley has filed a notice under 37 CFR § 1.602(c) that by virtue of an assignment from Sepracor, Inc, dated October 7, 1999, the Young application and Woolsey patent were assigned to Hoechst Marion Roussel, Inc., the real party in interest of the Woodward application. Notice Under 37 C.F.R. 1.602(c) (Paper 48). Thus, the involved patent and applications are commonly assigned. Counsel for the common assignee has filed a request for adverse judgment under 37 CFR § 1.662(a) (Paper 49).

Upon consideration of the request for entry of adverse judgment against both junior parties, it is

ORDERED that judgment on priority as to Count 2, the sole count in the interference, is awarded against junior party JAMES W. YOUNG, RAYMOND L. WOOSLEY and YIWANG CHEN, and against junior party RAYMOND L. WOOSLEY, JAMES W. YOUNG and YIWANG CHEN;

FURTHER ORDERED that, judgment on priority as to Count 2 is awarded in favor of senior party JAMES K. WOODWARD, RICHARD A. OKERHOLM, MARK G. ELLER and BRUCE E. McNUTT;

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, junior party JAMES W. YOUNG, RAYMOND L. WOOSLEY and YIWANG CHEN is not entitled to a patent containing claims 1-2, 4-8, 57 and 59 (corresponding to Count 2) of application 08/191,149 , filed February 2, 1994;

FURTHER ORDERED that on the record before the Board of Patent Appeals and Interferences, junior party RAYMOND L. WOOSLEY, JAMES W. YOUNG and YIWANG CHEN is not entitled to a patent containing claims 1-6 (corresponding to Count 2) of Patent 5,375,693 granted December 27, 1994, based on application 08/191,061, filed February 2, 1994;

FURTHER ORDERED that on the record before the Board of Patent Appeals and Interferences, senior party JAMES K. WOODWARD, RICHARD A. OKERHOLM, MARK G. ELLER and BRUCE E. McNUTT is entitled to a patent containing claims 1-7 (corresponding to Count 2) of application 08/397,542, filed March 2, 1995;

FURTHER ORDERED that a copy of this decision be given a paper number and entered into the files of application 08/191,149, application 08/397,542 and Patent 5,375,693.

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RICHARD E. SCHAFER))
Administrative Patent Judge))
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JAMESON LEE))
Administrative Patent Judge))
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RICHARD TORCZON))
Administrative Patent Judge))

BOARD OF PATENT
APPEALS AND
INTERFERENCES

cc: (via First Class Mail)

Paul N. Kokulis, Esq.
CUSHMAN, DARBY & CUSHMAN
Intellectual Property Group of PILLSBURY MADISON & SUTRO, LLP
1100 New York Avenue, N.W.
Ninth Floor, East Tower
Washington, DC 20005-3918

Tel: 202-861-3000
Fax: 202-822-0944