

Mail Stop Interference
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Paper 1
Filed 2 February 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAUL J. **CARTER** AND LEONARD G. PRESTA
Junior Party
(Patent 6,407,213),

v.

JOHN ROBERT **ADAIR**, DILJEET SINGH ATHWAL,
AND JOHN SPENCER EMTAGE
Senior Party
(Application No. 11/284,261),

Patent Interference No. 105,744
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part B. Judge managing the interference

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m. on 16 March 2010** (the Board will initiate the call).

No later than **four business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Paul J. Carter
San Francisco, CA

Leonard G. Presta
San Francisco, CA

Involved Patent: 6,407,213, issued 18 June 2002, from application 08/146,206, which was filed 17 November 1993, and was based on international application PCT/US92/05126, filed 15 June 1992.

Title: METHOD FOR MAKING HUMANIZED ANTIBODIES

Assignee: Genentech, Inc.

Senior Party

Named Inventors: John Robert Adair
High Wycombe, United Kingdom

Diljeet Singh Athwal
London, United Kingdom

John Spencer Emtage
Marlow, United Kingdom

Involved Application: 11/284,261, filed 21 November 2005

Title: HUMANISED ANTIBODIES

Assignee: Celltech R & D Limited

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

A humanized antibody heavy chain variable domain comprising non-human Complementarity Determining Region (CDR) amino acid residues which bind antigen incorporated into a human antibody variable domain, and further comprising a Framework Region (FR) amino acid substitution at a site selected from the group consisting of: 24H, 71H, 73H, and 78H, utilizing the numbering system set forth in Kabat.

The claims of the parties are:

Carter: 1-82

Adair: 24

The claims of the parties which correspond to Count 1 are:

Carter: 30, 31, 60, 62, 63, 66, 67, 70, 73, 77-81

Adair: 24

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Carter: 1-29, 32-59, 61, 64, 65, 68, 69, 71, 72, 74-76, 82

Adair: None

The parties are accorded the following benefit for Count 1:

Carter: PCT/US92/05126, filed 15 June 1992; and
07/715,272, filed 14 June 1991, now abandoned.

Adair: 08/846,658, filed 01 May 1997;
08/303,569, filed 07 September 1994, issued as 5,859,205
on 12 January 1999;
07/743,329, filed on 17 September 1991;
PCT/GB90/02017, filed 21 December 1990; and
GB 8928874.0, filed 21 December 1989.

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see
SO & 106.1.1:

PAUL J. **CARTER** AND LEONARD G. PRESTA
Junior Party
(Patent 6,407,213),

v.

JOHN ROBERT **ADAIR**, DILJEET SINGH ATHWAL,
AND JOHN SPENCER EMTAGE
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