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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, UNIVERSITY OF VIENNA, AND EMMANUELLE CHARPENTIER
Junior Party

(Applications 15/947,680; 15/947,700; 15/947,718; 15/981,807; 15/981,808; 15/981,809; 16/136,159; 16/136,165; 16/136,168;16/136,175; 16/276,361; 16/276,365; 16/276,368; and 16/276,374),

v.

THE BROAD INSTITUTE, INC., MASSACHUSETTS INSTITUTE OF TECHNOLOGY, and PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Senior Party

(Patents 8,697,359; 8,771,945; 8,795,965; 8,865,406; 8,871,445; 8,889,356; 8,895,308; 8,906,616; 8,932,814; 8,945,839; 8,993,233; 8,999,641, 9,840,713, and Application 14/704,551).

Patent Interference No. 106,115 (DK)

Judgment
37 C.F.R. § 41.127(a)

Before, SALLY GARDNER LANE, JAMES T. MOORE, and DEBORAH KATZ, *Administrative Patent Judges*.

KATZ, *Administrative Patent Judge.*

In the Decision on Priority issued concurrently, we deny Motion 2 filed by The Regents of the University of California, University of Vienna, and Emmanuelle Charpentier ("CVC") (Paper 1579) and grant Motion 5 filed by The Broad Institute, Inc., Massachusetts Institute of Technology, and President and Fellows of Harvard College ("Broad") (Paper 2118), both seeing seeking judgment based on priority under 35 U.S.C. § 102(g).[1] (*See* Paper 2863.) We also deny Motion 3 filed by CVC (Paper 1558), seeking judgment based on improper inventorship named on Broad's involved patents and application. (*See id.*)

According, it is

ORDERED that judgment on priority is entered against CVC as to Count 1, the sole count of the interference (*see* Redeclaration, Paper 23, 11:30–13:12);

FURTHER ORDERED that the following claims of CVC are finally refused:

Application 15/947,680 – Claims 156–185;

Application 15/947,700 – Claims 156–185;

Application 15/947,718 – Claims 156–185;

Application 15/981,807 – Claims 156–185;

Application 15/981,808 – Claims 156–170 and 172–185;

Application 15/981,809 – Claims 156–170 and 172–185;

Application 16/136,159 – Claims 156–184;

Application 16/136,165 – Claims 156–184;

[1] Patent interferences continue under the relevant statutes in effect on 15 March 2013. *See* Pub. L. 112-29, § 3(n), 125 Stat. 284, 293 (2011).

Application 16/136,168 – Claims 156–184;
Application 16/136,175 – Claims 156–184;
Application 16/276,361 – Claims 3–31;
Application 16/276,365 – Claims 3–32;
Application 16/276,368 – Claims 3–31;
Application 16/276,374 – Claims 3–32.

(*See* 35 U.S.C. § 135(a); *see* Redeclaration, Paper 23, 13:16–14:9.)

FURTHER ORDERED that the parties are directed to 35 USC § 135(c) and 37 C.F.R. § 41.205 regarding the filing of settlement agreements;

FURTHER ORDERED that a party seeking judicial review timely serve notice on the Director of the United States Patent and Trademark Office; 37 C.F.R. §§ 90.1 and 104.2. See also 37 C.F.R. § 41.8(b);[2] and

FURTHER ORDERED that a copy of this judgment be entered into the administrative records of CVC applications 15/947,680; 15/947,700; 15/947,718; 15/981,807; 15/981,808; 15/981,809; 16/136,159; 16/136,165; 16/136,168; 16/136,175; 16/276,361; 16/276,365; 16/276,368; and 16/276,374; and Broad patents 8,697,359; 8,771,945; 8,795,965; 8,865,406; 8,871,445; 8,889,356; 8,895,308; 8,906,616; 8,932,814; 8,945,839; 8,993,233; 8,999,641; 9,840,713, and application 14/704,551.

[2] Attention is directed to *Biogen Idec MA, Inc., v. Japanese Foundation for Cancer Research*, 785 F.3d 648, 654–57 (Fed. Cir. 2015) (determining that pre-AIA § 146 review was eliminated for interference proceedings declared after 5 September 2012).

cc (via e-mail):

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