

## Interference Practice

### List of Representative Cases

The following is a partial list of interference matters in which members of Sterne, Kessler, Goldstein & Fox have been substantively involved. The party represented by Sterne Kessler is underlined (and named if non-confidential). Next to the caption and in parentheses is the technological field of the interference. The order is Junior Party v. Senior Party.

Seven reported decisions, two from the Court of Appeals for the Federal Circuit:

- Pioneer Hi-Bred v. Monsanto (Plant genetics) Pioneer won the interference on patentable distinctness after final hearing, aff'd. Loesch-Fries v. Beachy, 41 USPQ2d 1158 (Fed Cir. 1996).
- Enzon v. Creative Biomolecules, (Single chain antibodies) Enzon won on summary judgment against Creative for failure to corroborate proofs under Rule 608(b), aff'd. Huston v. Ladner, 23 USPQ2d 910 (Fed. Cir. 1992).
- Ventana Medical Systems v. University of California (Diagnostic genetics) Case was settled after the Board denied both parties' motions to either stay the interference pending reexamination or merge both interference and reexamination proceedings, Dietz Band v. Gray, 73 USPQ2d (BNA) 1857 (Bd. Pat. App. & Inter. 2004.)
- Human Genome Sciences v. Immunex (Apoptosis receptor antibodies) HGS's request for additional discovery of facts underlying an MTA denied. Human Genome Sciences Inc., v. Immunex Corp. 82 U.S.P.Q2d 1597 (Bd. Pat.App.Intf. 2006)
- Ventana Medical Systems v. University of California (Diagnostic Genetics) UCal's motion to add a pending application to interference denied until application is allowed. Westbrook v. Gray 75 USPQ2d 1607 (Bd. Pat. App. Intf. 2004)
- Newron Pharmaceuticals v. Purdue Neuroscience Company (Methods of treating pain) Pevarello, P. et al v. Lan, N. et al 82 USPQ2d 1863 (Bd. Pat. App. Intf. 2006) and also Board Decision, January 12, 2007 dealing with scope of arbitrations in interferences and cross examination guidelines, respectively.
- Boehringer Ingelheim v. Biotechnology General (Enzymology)
- Caliper Technologies Corp. v. Axiom Biosciences (Microfluidics)
- Caliper Technologies Corp. v. Micronics, Inc. and The University of Washington (Microfluidics)
- Cold Spring Harbor Laboratory v. Massachusetts General Hospital (Human genetics)
- Cordis Corp. v. Medtronic AVE, Inc. (Guidewire system)

- Human Genome Sciences v. The Johns Hopkins University [licensee: Genentech] (Molecular biology and enzymology)
- Enzon v. Amgen (Enzymology)
- Fisher Tool Co., Inc. v. Lin (Fluid valve designs)
- Genentech v. Boehringer Ingelheim GmbH (Human genetics)
- Genex Corp. [now Enzon] v. Pharmacia (Bacterial genetics)
- Genzyme v. University of Michigan v. Hospital for Sick Children, Toronto v. University of Michigan and Hospital for Sick Children, Toronto (Cystic Fibrosis and gene therapy) Three interferences.
- Hewlett-Packard Co., (and others) v. Kawasaki Steel Co. (Superconductors) Twelve party interference.
- Human Genome Sciences v. University of Pennsylvania (Antibodies to CCR5)
- Human Genome Sciences v. Amgen (Recombinant production)
- Human Genome Sciences v. Advanced Life Science Institute, Inc. (DNA molecules encoding calcium-binding proteins and methods of use)
- Hybritech v. Roche v. Massachusetts General Hospital v. La Jolla Cancer Research Foundation (Diagnostic assays)
- Invitrogen Corporation v. President & Fellows of Harvard College (Molecular biology and enzymology)
- Lake Region Mfg. Co. v. Medtronic AVE, Inc. (Over-the-wire catheter and guidewire system)
- Life Technologies, Inc. v. Columbia University (Enzymology)
- Life Technologies, Inc. v. University of Arizona (Bacterial genetics)
- Lucent Technologies Inc., et al. v. Arizona State University (MEMs switch)
- Massachusetts General Hospital v. ARCH Development Corporation (Oncolytic viral therapy)
- Massachusetts General Hospital v. Callewaert (Antithrombotics)
- Massachusetts General Hospital v. NeoRx Corporation (patentee) (Diagnostic imaging)
- Massachusetts General Hospital v. Cold Springs Harbor Laboratory (Cell division factors)
- Massachusetts General Hospital v. Max-Planck Institute (Viral vectors for gene therapy)
- Massachusetts General Hospital v. HepaVec (Viral vectors for gene therapy)

- M.I.T., Harvard U. and Organix v. University of Pennsylvania (Organic chemistry)
- Mogen v. Novartis (Plant genetics)
- Reebok v. Rudy (Athletic footwear)
- Pioneer Hi-Bred v. Agracetus v. Calgene (Plant genetics)
- Pioneer Hi-Bred v. Agracetus v. Monsanto (Plant genetics)
- Reebok v. Huang (Athletic shoes)
- The Regents of the University of Michigan v. Jarl Wikberg and Vijay Chhajlani (Molecular biology)
- The Regents of the University of California v. Massachusetts General Hospital (Gene therapy)
- Sauer, Inc. v. Kanzaki Kokukoki Mfg. Co., Ltd. (Integrated hydrostatic transaxles)
- Syngenta Crop Protection, Inc. v. Bayer CropScience AG (insecticides)
- University of Chicago v. The Regents of the University of California (Genetic diagnostics)
- VICAL and Wisconsin Alumni Research Foundation v. The Regents of the University of Michigan (DNA administration)

**MIND + MUSCLE**