

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

Before RAE LYNN P. GUEST, DEBORAH KATZ and DAVID COTTA,
Administrative Patent Judges.

KATZ, *Administrative Patent Judge.*

Judgment
37 C.F.R. § 41.127(a)

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The Court of Appeals for the Federal Circuit vacated the Board’s prior judgment of 28 February 2022 (Paper 2864) and remanded the determination of priority. *See Regents of the Univ. of Cal. v. Broad Inst.* 136 F.4th 1367 (Fed. Cir. 2025). After reconsideration of the issues of conception and derivation, and in light of the parties’ supplemental briefing (Papers 2903–2908), we determine that junior party, The Regents of The University Of California, University of Vienna, and Emmanuelle Charpentier (“CVC”), have not shown a date of conception earlier than the date of reduction to practice demonstrated by senior party, The Broad Institute, Inc., Massachusetts Institute of Technology, and President and Fellows of Harvard College (“Broad”). (*See Decision on Remand, Paper 2915.*)

Accordingly, it is ORDERED that judgment on priority under 35 U.S.C. § 102(g)¹ 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).*

1 Application 16/136,168 – Claims 156–184;

2 Application 16/136,175 – Claims 156–184;

3 Application 16/276,361 – Claims 3–31;

4 Application 16/276,365 – Claims 3–32;

5 Application 16/276,368 – Claims 3–31;

6 Application 16/276,374 – Claims 3–32.

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

8 FURTHER ORDERED that the parties are directed to 35 USC
9 § 135(c) and 37 C.F.R. § 41.205 regarding the filing of settlement
10 agreements;

11 FURTHER ORDERED that a party seeking judicial review timely
12 serve notice on the Director of the United States Patent and Trademark
13 Office; 37 C.F.R. 11 §§ 90.1 and 104.2. *See also* 37 C.F.R. § 41.8(b);² and

14 FURTHER ORDERED that a copy of this judgment be entered into
15 the administrative records of CVC applications 15/947,680; 15/947,700;
16 15/947,718; 15/981,807; 15/981,808; 15/981,809; 16/136,159; 16/136,165;
17 16/136,168; 16/136,175; 16/276,361; 16/276,365; 16/276,368; and
18 16/276,374; and Broad patents 8,697,359; 8,771,945; 8,795,965; 8,865,406;
19 8,871,445; 8,889,356; 8,895,308; 8,906,616; 8,932,814; 8,945,839;
20 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).

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