

PATENTS ACT 1977

IN THE MATTER OF

an application under Section 72

by Loblite Limited

for the revocation of Patent No GB 2269485

in the name of Caradon MK Electric Limited

DECISION

1. In a decision in these revocation proceedings dated 13 November 1998 the Hearing Officer indicated that under the Rules of the Supreme Court any appeal from the decision must be lodged within six weeks.
2. The applicants for revocation, Loblite Limited, have requested in a letter dated 21 December that the six-week period for giving Notice to Appeal be extended by one month "due to the interruptions produced by the Christmas break and associated leave along with the recess of the Royal Courts of Justice".
3. The patent proprietors, Caradon MK Electric Limited, have in a letter dated 23 December stated that they are reluctant to agree to an extension and that they see no point in extending the appeal period unless there be some further reason so far unmentioned. They put forward nine-point observations in support of their position.
4. Both sides have indicated to the Patent Office by telephone their agreement to a decision being issued on the basis of the submissions made in the two letters. I have therefore considered the arguments put forward in both letters very carefully in reaching this decision.
5. It seems to me that the key points in the proprietors' observations are numbers 4 and 9, which read:

"4. The Christmas period poses problems for all concerned, nevertheless the six week period for coming to a conclusion on whether or not to Appeal is only latterly

affected by the Christmas period."

"9. There are positive advantages to both the Patentee and Loblite to progressing to the next stage of proceedings as early as reasonably possible since then the commercial situation clarifies."

6. Both these points seem to me to be well made. On the other hand, the applicants' reasons for requesting the extension are rather weak, especially in the light of the proprietors' point number 4. The Christmas break and the court recess are not unexpected and they do fall towards the end of the normal appeal period. That said, I believe it is fair to recognise that the Christmas season can in practice occasion more than the bare minimum of interruption. In all the circumstances, I am persuaded that it would be reasonable to extend the appeal period by two weeks, but not the full month requested.

7. Accordingly, I order that the period for appeal against the decision of the Hearing Officer of 13 November 1998, as set out in paragraph 77 of that decision, shall be extended by two weeks.

8. This being a decision on a matter of procedure, any appeal against this decision shall be filed within fourteen days after the date of this decision.

Dated this 23rd day of December 1998

S N DENNEHEY

Superintending Examiner, acting for the Comptroller

THE PATENT OFFICE