

PATENTS ACT 1977

IN THE MATTER OF

an application under Section 72

by Buko Limited

for the revocation of Patent No GB 2293579 B

in the name of Clares Merchandise Handling Equipment Limited

DECISION

- 1 Patent No GB 2293579 B, entitled “Shopping Trolley”, was filed in the name of Clares Merchandise Handling Equipment Limited (“the proprietor”) on 19 September 1994 as application number GB9419130.1 and was granted on 26 March 1997.
- 2 On 28 July 1997 an application under section 72 of the Patents Act 1977 (“the Act”) for the revocation of the patent was filed by Buko Limited (“the applicant”) on the grounds that the invention recited in the claims does not satisfy the conditions set out in sections 1(1)(a) and 1(1)(b) of the Act. The proprietor defended the application in a counterstatement, which also included an offer to amend the patent, the offer being conditional on an adverse finding in the proceedings for revocation. Evidence was filed by the applicant, but the proprietor declined to do so.
- 3 A hearing was appointed, but shortly before the hearing both parties made a joint request for postponement to allow negotiations to take place. In due course, the parties settled, agreeing that the proprietor would grant the applicant a licence in return for which the applicant would take no further part in these proceedings. Both parties confirmed that there are no disputed matters outstanding, including costs.
- 4 That did not necessarily dispose of the matter, because when an applicant for revocation withdraws it is the comptroller’s practice to consider whether to continue the proceedings in the public interest. I have carefully considered the allegations made by the applicant in the light of the evidence and other documents on file, and have decided to make no order for revocation.
- 5 Neither side seeks costs and I accordingly make no award for costs in these proceedings.

Dated this 12th day of August 2002

S N DENNEHEY

Divisional Director, acting for the comptroller

THE PATENT OFFICE