



BL O/200/06

21 July 2006

PATENTS ACT 1977

and

**COPYRIGHT, DESIGNS AND
PATENTS ACT 1988**

BETWEEN

Advanced Motion Technologies Inc et al

and

Phillip Raymond Michael Denne et al

PROCEEDINGS

References under sections 8 and 12 of the Patents Act 1977 in respect of patent applications numbers GB0204194.5, GB0204195.2, GB0204196.0, GB0204197.8, GB0204198.6, GB0204199.4, and GB0204201.8 and others, and in respect of certain other inventions; and under the Copyright, Designs and Patents Act 1988 in respect of certain design rights

HEARING OFFICER

D J Barford

DECISION

Introduction

1 This decision relates to the following six references:

- (1) a reference under sections 8 and 12 of the Patents Act 1977 by Advanced Motion Technologies Inc dated 6th August 2002 in respect of patent application number GB0215306.2 and others
- (2) a reference under sections 8 and 12 of the Patents Act 1977 by Phillip Raymond Michael Denne dated 13th January 2003 in respect of patent application number GB0204194.5 and others
- (3) a reference under sections 8 and 12 of the Patents Act 1977 by

Advanced Motion Technologies Inc dated 13 February 2003 in respect of certain inventions made by Phillip Raymond Michael Denne

(4) a reference under sections 8 and 12 of the Patents Act 1977 by Phillip Raymond Michael Denne dated 29th August 2003 in respect of patent application number GB0115376.6 and others

(5) a reference under section 246 of the Copyright, Designs and Patents Act 1988 by Phillip Raymond Michael Denne dated 30th May 2003 in respect of certain design rights relating to cylindrical electromagnetic rams

(6) a reference under sections 8 and 12 of the Patents Act 1977 by Phillip Raymond Michael Denne dated 19th September 2004 in respect of patent application numbers PCT/GB00/02561, GB204199.4, PCT/GB/GB01/02868 and others.

2 References (1) and (3) were opposed by Mr Denne; and references (2), (4), (5) and (6) were opposed by Advanced Motion Technologies Inc. After some dispute it was accepted that the six references should be consolidated. Following the filing of statements, counterstatements and evidence, the consolidated proceedings moved towards a hearing. However an agreement has now been reached and the references withdrawn, subject to certain agreed conditions. These are reflected in a draft order submitted by the parties, the terms of which I adopt below.

3 Under the principal clause of this agreement, Advanced Motion Technologies Inc is declared to be the rightful proprietor of the rights in seven patent applications filed in the name of Mr Denne. There is a labyrinth of other companies referred to in these proceedings, which may or may not properly be parties to the proceedings – for instance it is not always clear whether Mr Denne is acting in a personal capacity or on behalf of one or more of his companies. What is material is that, in any case, all are signatories to the agreement, and the order below is not affected by the issue. The signatories are Mr Denne, Guilden Limited, Dynaflex Developments Limited, Transforce Developments Limited, Kinetic Developments Limited, Advanced Motion Technologies Inc and Advanced Motion Technologies LLC.

Order

4 Recognising an agreement between the parties, I order that these proceedings be terminated on the following terms:

(1) that each party discontinue the prosecution of that part of the consolidated proceedings it has initiated, on the terms that there be no order for costs

(2) that the parties waive all claims against each other in relation to these consolidated proceedings before the comptroller

(3) that Advanced Motion Technologies Inc be declared the rightful

proprietor of the rights in the following patent applications:
GB0204194.5, GB0204195.2, GB0204196.0, GB0204197.8,
GB0204198.6, GB0204199.4, and GB0204201.8.

(4) that there be no order for costs.

Appeal

- 5 Although it would appear to be academic in the present case, under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

DAVID BARFORD

Deputy Director acting for the Comptroller