



BL O/019/07

12th January 2007

PATENTS ACT 1977

BETWEEN

IDA Limited, Colin Thomas Metcalf and
David Julian Lax

Claimants

and

Exosect Limited, Philip Howse and Karen
Underwood

Defendants

PROCEEDINGS

Reference under sections 8 and 12 of the Patents Act 1977
in respect of patent application number GB 0228421.4
and a number of related applications

HEARING OFFICER

P Hayward

DECISION

- 1 The claimants referred to the comptroller a number of questions under sections 8 and 12 of the Patents Act 1977 about entitlement to GB patent application 0228421.4 and related foreign, European and International applications. However, there is some related litigation going on in the High Court, and both sides have now asked the comptroller to decline to deal with the references under sections 8(7) and 12(2).
- 2 It would be perverse of the comptroller to insist on going ahead with an entitlement dispute when both sides have asked him not to, and it would in any case be undesirable to have the same or similar issues litigated both before the comptroller and the court. Accordingly I agree to the parties' request and decline to deal with the references.
- 3 The parties have agreed to bear their own costs to date, so I make no order as to costs.

P HAYWARD

Divisional Director acting for the Comptroller