



a correction or amendment of the German language specification instead, or may wish to give reasons for disagreeing with the Office's assessment. A reply was requested by 17 December 2006.

- 6 No reply was received. Neither were any replies received to further letters sent on 24 January 2007 and 21 March 2007. On 17 October 2007, a further letter from the Office explained that, in the absence of any reply, the correction requests were to be referred to a Hearing Officer, for him to issue a decision on whether to allow or refuse the requests.
- 7 Again, no reply was received – and in particular there was no request to be heard in advance of the decision being made. Regrettably the file was then misplaced for some time, but on its re-emergence it falls to me to decide, from the papers, whether the requested corrections should be allowed or not.

### **The requested corrections**

- 8 The requested corrections were set out in the information accompanying the Form 11/77 as follows:

“On page 6 of the English translation of this European patent (UK), as filed on 31 May 2006; the word “connecting” on line 14 has been changed to “connection”.

“Also on page 6; the section reading “the...” on line 16 has been removed in order to close up the end of the sentence to now read “pertains to the line section”.

### **The law**

- 9 The relevant provision is section 117(1), which reads:

*The comptroller may, subject to any provision of rules, correct any error of translation or transcription, clerical error or mistake in any specification of a patent or application for a patent or any document filed in connection with a patent or such an application.*

- 10 The rule in question at the material time was rule 91 of the Patents Rules 1995 (as amended) but, except insofar as it required the request to be made on a Form 11/77, it is not relevant to the matter in issue.

### **Arguments and analysis**

- 11 The first proposed correction would change the expression in line 14 of page 6 of the translation from “connecting section” to “connection section”.
- 12 The Office's letter of 17 October 2006 noted that the expression “connecting section” at line 14 of page 6 of the translation corresponds to the German word *Verbindungsabschnitt* at the equivalent point in the patent specification. Translating this as “connecting section” is consistent with the translation of this German word where it appears at other points in the specification (e.g. claim 1 reference numeral 10).

- 13 It was also noted that the expression “connection section” appears to correspond to the German word *Anschlussabschnitt*, and this word does not appear at the relevant point in the granted patent specification – although it is found elsewhere and translated as such (e.g. claim 1 reference numeral 12).
- 14 The letter therefore concluded that the translation was already correct in this respect and so the proposed correction was not appropriate.
- 15 In respect of the second proposed correction, to remove “the...” from line 16 of page 6 of the translation, the Office’s letter of 17 October 2006 stated that it had no objection to that proposed correction.
- 16 Having studied the specification and the translation, I agree with the views expressed in the Office’s letter. As I have noted, there has been no argument presented to the contrary.

### **Conclusion**

- 17 I refuse the request to make the first proposed correction and I allow the request to make the second proposed correction.
- 18 The case will therefore be remitted to the case officer to complete the necessary actions in respect of the second proposed correction.

### **Appeal**

- 19 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

**Dr J E PORTER**

Deputy Director acting for the Comptroller