

06 February 2012

PATENTS ACT 1977

PARTIES Ability International Limited,
Michael John Scanlon Holborn, Graham Neil Alston,
and David Rose

ISSUE Whether a certificate should be issued in
accordance with section 13(3) to the
effect that David Rose should not have been
mentioned as an inventor in patent number
GB 2432573

HEARING OFFICER S M Williams

DECISION

- 1 Patents Form 7 names three inventors: Michael John Scanlon Holborn, Graham Neil Alston and David Rose.
- 2 Ability International Limited, the patent proprietor, has now made an application under section 13(3) of the Act to the effect that David Rose should not have been mentioned as an inventor.
- 3 In the statement accompanying the decision, the patent proprietor refers to a reference to entitlement filed by Mr Rose under section 37. The reference was refused in a decision of the comptroller dated 15 July 2011. In the decision, the comptroller found that Mr Rose had not contributed to the inventive concept of the patent and could not therefore have any entitlement to the patent. The patent proprietor is now seeking removal of Mr Rose's name from the list of inventors for the published patent application and granted patent.
- 4 Following receipt of the section 13(3) application, the Office wrote to each of the named inventors and enclosed a copy of the application and statement and invited each of the inventors to file a counter-statement should they wish to oppose the application. No counter-statements have been filed within the period specified by the Office. In accordance with rule 77(9) of the Patents Rules 2007, I must therefore treat each of the named inventors as supporting the applicant's case. As such, I conclude that all relevant parties agree that David Rose should not be mentioned as an inventor in respect of the invention covered by the published patent application and granted patent.

- 5 Accordingly I find that David Rose should not have been mentioned as an inventor in respect of published patent application number GB 2432573 and the subsequent granted patent. This decision, issued in accordance with section 13(3), serves as a certificate to this effect. I also direct that an addendum slip be prepared for the published patent application and granted patent stating that David Rose should not have been mentioned as an inventor.

S M WILLIAMS

B3 Head of Litigation Section, acting for the Comptroller