



THE PATENTS ACT 1977
(THE PATENTS RULES 2007)

CLAIMANT Xtratherm Limited

ISSUE Application under section 72 for
revocation of UK Patent GB2432556
in the name of Kingspan R&D Limited

HEARING OFFICER H Jones

DECISION

Introduction

- 1 This decision relates to an application under section 72(1)(a) by Xtratherm Limited for revocation of UK patent GB2432556 in the name of Kingspan R&D Limited. The patent relates to a method for manufacturing insulating board and was granted on 3 November 2010. As set out in the claimant's amended statement dated 3 April 2014, revocation is being sought on the grounds that claims 1 to 10 of the patent lack inventive step with regard to various documents identified in the amended statement.
- 2 The patentee was invited to file a counterstatement but did not do so. Therefore, in accordance with rule 77(9), the comptroller must treat the patentee as supporting the claimant's case.

Case for revocation

- 3 The claimant states that claim 1 of the patent lacks an inventive step in light of the teachings of US6140383 (D1) and the teachings of US5909796 (D2). The claimant says that D1 discloses all the features of claim 1 bar the cooling of wrapped stacks of board by leading them along one of at least two stack conveyors. The claimant goes on to say that a person skilled in the art faced with the problem of how to optimise the rate of production of polymeric insulating board, would immediately turn to the teachings of D2 for a dual platform solution as set out in the patent and required by claim 1. This seems to me to be an entirely reasonable assertion: the dual platform solution for optimising rates of production in a conveyer line would be part of the common general knowledge of the person skilled in the art, and this person would not need to exercise any degree of ingenuity in order to optimise the manufacturing process set out in D1 to arrive at the method set out in claim 1 of the patent. In the absence of any comment to the contrary from the patentee, I find that at least one ground for revocation of the patent has been made out and that this is sufficient for revocation to proceed.

Order

- 4 I order that UK patent GB2432556 be revoked.

H Jones

Deputy Director acting for the Comptroller