

0157192

PATENTS ACT 1977

IN THE MATTER OF a reference to the Comptroller under Section 37 by the University College of Swansea in respect of Patent GB 2165650 in the names of Dennis Amerena Parker and Richard Vincent Parker

DECISION

On 23 February 1988, the University College of Swansea (hereinafter 'UCS') lodged a reference under Section 8(1)(a) in respect of application no 8509040 (GB-A-2165650) in which Dennis Amerena Parker and Richard Vincent Parker were named as joint applicants and inventors. In this reference they asked for David Brian Jones to be named as co-inventor and for the addition of themselves as co-applicants. The grant letter had in fact issued on 18 February 1988 and so the reference was out of time: it has in consequence been treated as a reference under Section 37 with an effective filing date of 27 April 1988, this being the date of 'B' publication.

The prosecution of this reference before the Office has been complicated by an earlier reference filed by Mr D A Parker in respect of application no 8409181 (GB-A-2160655) from which 2165650 claims priority. The earlier application is in the names of Mr Parker and Mr Jones as joint applicants and inventors, and in his reference Mr Parker asked for the removal of Mr Jones as co-inventor and co-applicant. This also fell to be treated as having been made under Section 37.

The two references were combined into a single action and were, after the completion of the evidence stages, set down for a hearing before the Comptroller. However on 17 November 1989, three days before the hearing was due to commence, the agents acting for the Parkers wrote to the Office stating that the ownership dispute had been settled. On the same date the agents acting for UCS also wrote to the Office expecting that they would

soon be able to withdraw the reference on 2165650 and that the other side would be able to withdraw the reference on 2160655.

Nothing further was heard for some time, but in response to enquiry by the Office, UCS' agents wrote on 6 March 1990 stating that they were unable to withdraw the reference on 2165650, as the settlement between the parties had not yet been fully implemented. However, the Parkers' agents wrote on 12 March 1990 formally withdrawing the reference on 2160655.

The Office made a number of enquiries since that date as to the progress of the reference on 2165650, but on each occasion UCS' agents replied stating that they did not yet feel able to withdraw it. Following the latest such reply on 10 March 1992 the Parkers' agents wrote to the Office on 23 March 1992. In their letter, they said that in their view the dispute had been fully resolved in March 1990 and that they had received no indication of any outstanding difficulties. They proposed therefore that the reference should be struck out.

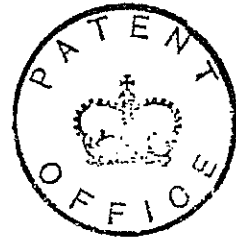
UCS's agents replied on 14 April 1992, saying that although they did not concur with that view, they would not resist striking out on the prompting of the agents for the proprietors.

UCS have now had a period of 2½ years since the postponement of the hearing to decide whether or not to withdraw the reference. Unless there are very compelling reasons, it is clearly not in the public interest that the reference should remain dormant indefinitely with no move being made to bring proceedings to a conclusion. No such reasons have been advanced by the referrers, and indeed both parties to the action have now made it clear that they will not oppose termination of the proceedings.

I therefore direct that the reference should be struck out and proceedings thereon terminated.

Signed this 2 day of JUNE 1992

B G Harden
Superintending Examiner, acting for the Comptroller



THE PATENT OFFICE