

## Annex 8

### PATENTS ACT 1977

BL Number  
(DATE)

APPLICANT XXXXXXXXXXXXXXXX

ISSUE Whether patent number  
XXXXXXXXXXXX should be restored under  
section 28(3)

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### DECISION

- 1 The renewal fee in respect of the X<sup>th</sup> year of the patent fell due on (DATE). The renewal fee was not paid by that date or during the six months allowed under section 25(4) of the Patents Act 1977 upon payment of the prescribed additional fees. The patent therefore lapsed on (DATE).
- 2 The patent was originally filed in the name of XXXXXXXXXXXXXXXX. It was assigned to XXXXXXXXXXXXXXXX by virtue of an assignment dated (DATE). On (DATE), XXXXXXXXXXXXXXXX filed an application for restoration of the patent.
- 3 In an official letter dated (DATE), the Office set out its preliminary view that the application should be refused. The Office took the view that the evidence filed indicated that the patent proprietor xxxxxxxxxxxxxx. As such, the failure to pay the renewal fee could not be said to be unintentional.
- 4 The applicant for restoration filed further evidence on (DATE). Having considered the additional evidence filed, the Office maintained its preliminary view in a letter dated (DATE). The applicant was also informed that the application for restoration would be refused unless a hearing was requested.
- 5 No response has been received from the proprietor. Consequently I now refuse the application for restoration as I consider that the requirements laid down in section 28(3) of the Patents Act 1977 have not been met.

## **Appeal**

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

**(NAME)**

B3 Head of Register Services  
Acting for the Comptroller