

0/191/92

**PATENTS ACT 1977**

IN THE MATTER OF an application under Sections 13(1) and 13(3) by Peter King in respect of Patent Application No 2247049 in the name of Whiterock Products Limited

**DECISION**

Application was made on 20 December 1991 under Sections 13(1) and 13(3) of the Patents Act 1977 by Peter King. He declared on Form 6/77 that he is the sole inventor of the invention which is the subject of patent no 2247049 and accordingly has a right to be mentioned as such in accordance with the terms of Section 13(1). He also declared that John Robinson, who had been mentioned as the sole inventor in the published patent application, ought not to have been mentioned as inventor and a certificate to that effect was requested in accordance with Section 13(3). In accordance with Rule 14(1) of the Patents Rules 1990, the application was accompanied by a statement which asserted that Peter King invented a new mastic sealant gun (the subject matter of the application in suit) and instructed John Robinson in confidence to prepare a product design and mould drawings to enable prototype samples to be produced, which drawings relied on John Robinson's ordinary skill and knowledge and did not represent any inventive contribution on his behalf.

In addition, a copy of a letter dated 17 December 1991 from John Robinson to the referrer's agents was filed stating that, "I would inform you that I am not the inventor of the sealant gun disclosed in the above mentioned patent application. I simply made some design drawings on the instructions of Peter King in accordance with his concept and therefore the invention should be attributed to him."

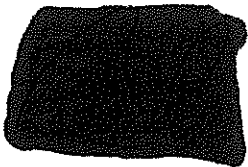
In accordance with Rule 14(2), copies of the application under Sections 13(1) and 13(3) and the accompanying statement were sent to Whiterock Products Limited as the registered proprietor and to John Robinson.

None of these recipients has entered opposition to the application as allowed by Rule 14(3).

In the absence of any such opposition, I am satisfied that Peter King is the sole inventor of the invention which is the subject of the patent in suit and therefore has a right to be mentioned in accordance with the terms of Section 13(1). I am also satisfied that John Robinson ought not to have been mentioned as an inventor. Accordingly, I direct under Rule 14(5) that an erratum slip mentioning Peter King as the sole inventor be prepared for the published application for the patent.

This decision also serves as a certificate, issued in accordance with Section 13(3), to the effect that John Robinson ought not to have been mentioned as an inventor and I further direct that this be stated on the aforementioned erratum slip prepared for the published application for the patent.

Signed this 18 day of November 1992



LESLIE LEWIS  
Principal Examiner, acting for the Comptroller



**THE PATENT OFFICE**