

BLO/164/88

PATENTS ACT 1977

IN THE MATTER OF Patent
application No 8526667
(Serial No 2189806) in the
name of Inrad Ltd, and
IN THE MATTER OF a reference
under Section 8(1)(a) in respect
of the above application by
Margaret Wendy Travis

INTERIM DECISION

The application was made on 26 October 1985 by Inrad Ltd, an Irish company, naming William Mitchell, Ben Travis (deceased), William Richard Wright and Anthony MacDonald Hildon as inventors, and claiming the right to apply by virtue of an assignment from them. The application was published on 4 November 1987.

Mrs Travis' reference was made on 23 October 1986, and claims that only Mr Travis, Mr Mitchell and Mr Hildon were inventors (that is, that Mr Wright was not an inventor) and that no assignment was made.

Although the applicants, Inrad Ltd, resisted Mrs Travis' claim in a counterstatement filed on 28 May 1987, they and Mr Wright have subsequently accepted in a letter from their agents dated 21 July 1988, that Mr Wright was not an inventor and that the other three were. Since there is no longer any dispute about the inventorship of the invention that is the subject of the patent application in suit, I find that of the four inventors named in the Statement of Inventorship (Form 7/77) filed by the applicants on 26 October 1985, Mr Wright is in fact not an inventor, and the other three are. In consequence I direct that a note of this finding be made on the Statement of Inventorship and on the Register of Patents, that a correction slip should be

issued in respect of the printed patent application, and that this finding be published in the Official Journal (Patents).

The above direction does not however dispose of the dispute about the ownership of the patent rights. The applicants Inrad Ltd have not formally admitted that the patent rights did not pass to them by assignment, though they have accepted in their agents' letter of 21 July 1988, that the application may proceed in the names of the inventors or their nominees. I understand this to mean that Inrad Ltd are undertaking to abandon any claim they might have to the ownership of the patent rights in favour of the three inventors or any fresh successors in title of the inventors.

I think therefore that the appropriate course of action is to adjourn these proceedings to allow a new applicant or applicants to be nominated, and their derivation of title to be stated. I allow a period of three months for this to be done, and I direct that no action be taken to withdraw or amend the application during that time.

Dated this

21st

day of September 1988

W J LYON

Superintending Examiner acting for the Comptroller



THE PATENT OFFICE