

PATENTS ACT 1977

014/93

IN THE MATTER OF an application under Section 13(1) by Hans Erich Hintermann in respect of Patent Application No 2249513 in the name of Centre Suisse D'Electronique et de Microtechnique S.A.

DECISION

Patent Application No 9121390.0 was filed in the name of Centre Suisse D'Electronique et de Microtechnique S.A. on 9 October 1991 naming Ajay Kumar Chattopadhyay (subsequently corrected to Chattopadhyay) as inventor. The application was published as Application No 2249513A on 13 May 1992.

Application under section 13(1) of the Patents Act 1977 was made on 9 July 1992 by Hans Erich Hintermann declaring that he was the joint inventor of the invention which is the subject of the patent application in suit and accordingly has a right to be mentioned as such in accordance with the terms of section 13(1). In accordance with rule 14(1) of the Patents Rules 1990, the application was accompanied by a statement in which it was stated:

"At the time of preparation of the UK patent application the applicant's patent service was in contact with only Mr Chattopadhyay, the inventor named on the statement of inventorship form. They were not aware of Mr Hintermann's contribution to the invention at that time and thus the application was filed on the erroneous assumption that Mr Chattopadhyay was the sole inventor. Before filing, the specification was reviewed by both Mr Chattopadhyay and Mr Hintermann, however as the inventors were not mentioned therein, neither person was aware of the error made by the applicant's patent service.

The omission of Mr Hintermann's name only came to light on 11 June 1992 when Mr Hintermann received a copy of the published specification (date of publication

13 May 1992). The applicant's patent service was immediately made aware of the omission and requested the application under Section 13(1) forthwith."

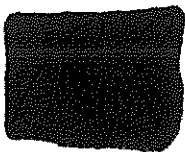
In addition, in a letter dated 9 July 1992, the agents for the proprietors stated that:

"We confirm that the applicant company and the first name inventor have no objection to the addition of the second named inventor".

In accordance with rule 14(2), copies of the application under section 13(1) and the accompanying statement were sent to Centre Suisse D'Electronique et de Microtechnique S.A. and to Ajay Kumar Chattopadhyay.

Neither of these recipients has entered opposition as allowed by rule 14(3). In the absence of any such opposition, I am satisfied that Hans Erich Hintermann ought to have been mentioned as joint inventor of the invention in the published application for a patent for the invention in accordance with the terms of section 13(1). I accordingly direct under rule 14(5) that an erratum slip mentioning Hans Erich Hintermann as a joint inventor be prepared for the published application for the patent.

Signed this 6 day of January 1993

A black rectangular redaction box covering the signature of L. Lewis.

L LEWIS
Principal Examiner, acting for the Comptroller

THE PATENT OFFICE