

IN THE MATTER OF a reference by
Graham Michael Arthur Simmons under
Section 8 with regard to patent
application number 8327722 in the
name of Jessamine Holdings Limited

DECISION

The reference under Section 8 was filed on 31 October 1984 and a copy of the reference and accompanying statement were sent to the patent applicant's business address (under cover of an Official Letter dated 19 November 1984,) in accordance with Rule 7(2) of the Patents Rules 1982. Rule 7(3) requires any person to whom the reference is sent and who wishes to oppose the reference, within three months of receipt of such copies, to file a counter-statement setting out fully the grounds of his opposition. No response to the reference has been filed, despite the issue of a reminder by way of a further Official Letter, sent by recorded delivery on 7 March 1985.

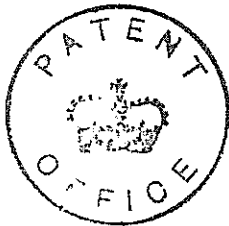
By virtue of an Official Letter dated 18 April 1985 the referrer was invited to file evidence in support of his case, and this he duly did on 2nd July 1985.

Having given full consideration to the reference and having regard to the provisions of Section 8, it appears to me that Graham Michael Arthur Simmons did not assign his rights in the invention disclosed in the application in suit and therefore retained the right to be named as sole applicant. Patent application number 8327722 was published on 2 May 1984 under serial number 2128587 and subsequently terminated by reason of the applicant's failure to file a request for substantive examination within the prescribed period. I therefore order, under the terms of Section 8(3)(c) of the Act, that

Graham Michael Arthur Simmons may, within the period prescribed by rule 10, make a new application in respect of the whole of the matter disclosed in application number 8327722, such new application, subject to the provisions of Section 76, being treated as having been filed on the date of filing of application number 8327722 and hence having a potential claim to the priority date of 14 October 1982.

Dated this 10th day of October 1985

J Sharrock
Superintending Examiner
Acting for the Comptroller



PATENT OFFICE