

PATENTS ACT 1949

0/93/93

IN THE MATTER OF applications under
Section 33 by Lasalle Marine Inc for
revocation of Patents Nos 1589549,
1589548 and 1574995 in the name of
Regal International Inc

DECISION

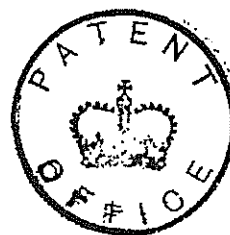
Applications to the Comptroller for revocation of the three patents in suit were filed on 22 April 1983 by Lasalle Marine Inc ("the applicants"). In a preliminary decision dated 14 August 1984 the Hearing Officer ordered a stay in the revocation proceedings before the Comptroller in respect of all three patents pending the outcome of an infringement action commenced in the High Court in respect of two of the patents. He deferred both the question of costs in the Patent Office proceedings up to that date and the timetable for filing evidence-in-reply, the earlier evidence rounds having already been completed.

Nothing of substance has happened in the Patent Office proceedings since then. There has been some indecisive correspondence during the intervening years referring, *inter alia*, to an alleged settlement of the High Court action between the parties which reportedly entailed the applicants agreeing to take no further part in the revocation proceedings. However, the Office has heard nothing from the applicants themselves, for example by way of confirmation either of the settlement or that they have withdrawn their application for revocation. In a letter dated 18 January 1993 the solicitors for the patentees stated that they had had no contact with what they described as their "previous client" for more than six or seven years.

In letters dated 20 April 1993 to the solicitors and patent agents named as representing both parties, the Office stated that, unless a submission to the contrary was received from either party within one month of that date, the Office proposed to deem the applications for revocation of the three patents to have been withdrawn, and would issue a decision to that effect. No response was in fact received from either party within the time set.

I therefore confirm now that the applicants for revocation before the Comptroller are deemed to have withdrawn from the proceedings in respect of all three patents in suit. I confirm also that, having considered the matters raised in the applications for revocation, I am satisfied that it is not necessary or desirable for the Comptroller himself to pursue revocation in the public interest, and I therefore dismiss the applications for revocation and make no order. In all the circumstances I am also satisfied that it would be inappropriate to make any award of costs in respect of the proceedings before the Comptroller, either prior to or following the preliminary decision of 14 August 1984.

Dated this 27 day of July 1993



Dr P FERDINANDO

Superintending Examiner, acting for the Comptroller

THE PATENT OFFICE