

PATENTS ACT 1977

0116/93

IN THE MATTER OF an application under Sections 13(1) and 13(3) by Syoko Ito in respect of Patent 2210415 in the name of Kabushiki Kaisha Toshiba

DECISION

Patent Application No 8822471.2 was filed in the name of Kabushiki Kaisha Toshiba on 23 September 1988 and was published on 7 June 1989 under the serial No GB 2210415 naming Takashi Ichihara as inventor. The patent was granted for the purposes of sections 1 to 23 as from 26 February 1992.

On 29 September 1992, Syoto Ito (the "applicant") applied to the comptroller under sections 13(1) and 13(3) declaring that he was the inventor of the invention which is the subject of the patent in suit and accordingly had a right to be mentioned as such in accordance with section 13(1) and that Takashi Ichihara ought not to have been mentioned as the inventor.

The application was accompanied by a statement under rule 14(1) in the form of a letter dated 29 September 1992 from Batchellor, Kirk & Co agents for the applicant stating:

"It has recently come to the attention of the applicant that the wrong person (Mr ICHIHARA, Takashi) has been named as inventor for this patent. It appears that Mr Ichihara was named as inventor due to an error in preparing the instructions for the filing of this patent. The priority document only names the true invention [sic] Mr ITO, Syoko.

The patentee, Kabushiki Kaisha Toshiba, now wishes to rectify the error in naming the inventors and accordingly we enclose a Patents Form 6/77 in accordance with

Section 13 and Rule 14. In support of the application we enclose letters from Mr Ito and Mr Ichihara confirming the facts explained above.

....."

The letters referred to in the statement are both dated 6 September 1992. That from Mr Ito reads:

"I am the sole inventor of the invention entitled a Gas Turbine Vane, which is the subject of British Patent No 2210415 This invention was made by me while I was employed by Kabushiki Kaisha Toshiba's Research and Development Centre to research gas turbines.

....."

The letter from Mr Ichihara states:

"It has recently been brought to my attention that my name has been entered as inventor in the case of British Patent No 2210415, for a Gas Turbine Vane. I had no part in making this invention. I therefore request that my name be deleted from the list of inventors and that of the true inventor, who I understand to be Mr Ito, be substituted.

....."

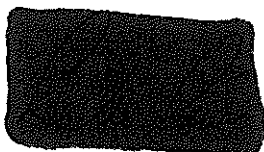
In accordance with rule 14(2), copies of the application, statement and accompanying letters were sent to Kabushiki Kaisha Toshiba and Mr Ichihara under the cover of an official letter dated 13 November 1993 allowing a period of two months from the date of the letter in which to oppose the application by filing a counter-statement setting out fully the grounds of opposition in accordance with rule 14(3).

In the event neither recipient opposed the request. Accordingly, in the light of the statement and letters referred to therein and the absence of any opposition, I am satisfied that Syoko Ito ought to have been mentioned as an inventor of the invention, the subject matter of the patent in suit. I am also satisfied that Takashi Ichihara ought not to have been mentioned as an inventor.

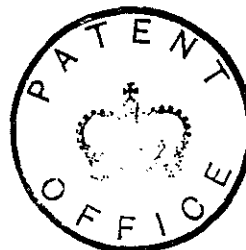
Accordingly, I direct under rule 14(5) that erratum slips be prepared mentioning Syoko Ito as inventor in both the patent granted for the invention and the published application for the patent.

This decision also serves as a certificate, issued in accordance with Section 13(3), to the effect that Takashi Ichihara 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 granted patent and published application for the patent.

Signed this 11 day of February 1993



LESLIE LEWIS
Principal Examiner, acting for the Comptroller



THE PATENT OFFICE