

PATENTS ACT 1977

BLO 1047/95

IN THE MATTER OF Section 17(3) and of
Patent No GB 9306357.6 in the name of
Hugh Peter Davison

RESCISSION OF DECISION

A decision by Mr M C Wright, acting for the Comptroller, dated 10 November 1994 and, based on the papers on file, refused Patent Application No GB 9306357.6 under Section 17(3).

The decision referred to an Official letter, dated 27 May 1993, inviting the applicant to amend the application by filing 'formal' drawings so as to comply with the requirements of the Patents Rules 1990. A period of response ending on 26 June 1994 was given. In the absence of any response two further Official letters were issued on 18 August 1994 and 22 September 1994 indicating that if these requirements were not met the Comptroller would refuse the application unless the applicant submitted observations or a request to be heard in the matter.

Eventually the applicant made a telephone call to the Office on 5 October 1994 when he explained that he had been unwell and was unsure as to what further information was required. Unfortunately, this telephone call was not recorded on the file before Mr Wright reached his decision and the decision was issued. The failure of the file to contain all the relevant papers before Mr Wright reached his decision is an irregularity in procedure. This irregularity was detected before any other action was taken apart from issuing the decision to the proprietor. In particular, no entry of the refusal has been entered on the register of patents. Formal drawings meeting the requirements of the Patent Rules were received in the Patent Office on 30 January 1995.

In the circumstances, I rectify the irregularity, under Rule 100 of the Patents Rules 1990, by rescinding the decision to refuse the patent. I also extend the period for filing the formal

drawings until 30 January 1995. This application will now be forwarded for publication under Section 16 of the Patents Act 1977.

Dated this 9 day of February 1995

B G HARDEN

Superintending Examiner, acting for the Comptroller

THE PATENT OFFICE