

IN THE MATTER OF an application under  
Section 13(1) by James Crabb in respect of  
Patent Application No 2267920 in the name of  
Petroleum Engineering Services Limited

*amaship*

**DECISION**

Patent Application No 9212888.3 was filed on 17 June 1992 in the name of Petroleum Engineering Services Limited. The application published on 22 December 1993 under Serial No GB 2267920A named Stuart Crawford Brown as sole inventor.

Application under section 13(1) of the Patents Act 1977 was made on 4 March 1994 by James Crabb. He declared that he is the 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).

The application was accompanied by a statement under rule 14(1) of the Patents Rules 1990 in which it was stated:

"2. The Question hereby referred to the Comptroller for determination under Section 13(1) is:

whether the Referrer ought to have been named as co-inventor in respect of the invention described in GB Patent Application No. 92 12 888.3 (hereinafter referred to as the Application).

3. The Referrer is presently employed by Petroleum Engineering Services Limited (hereinafter referred to as the Applicant) of Howe Moss Avenue, Kirkhill Industrial Estate, Dyce, Aberdeen, AB2 0GP and has been so employed since 04 April 1988 as Productline Manager.

4. The presently named sole inventor Stuart Crawford Brown of 65 Albury Place, Aberdeen, AB1 2TQ is a business associate of Petroleum Engineering Services Limited and has been such since around January 1990. Stuart Crawford Brown has assigned all the rights in the invention described in the Application to the Applicant by an assignment effective from 1 June 1992.
5. At the time of conceiving the invention during March 1992 the Referrer was working in conjunction with Stuart Crawford Brown.
6. The Referrer has expertise in valves for use in the oil/gas industry, while Stuart Crawford Brown has expertise in well-head structures. It was the combination of such expertise that resulted in the devising of the invention. Without the contributions of the Referrer and said Stuart Crawford Brown the invention could not have been devised.
7. The Application relating to the invention was filed on 17 June 1992 by Petroleum Engineering Services Limited.
8. On 15 June 1993 Fitzpatricks Chartered Patent Agents of 4 West Regent Street, Glasgow, G2 1RS acting on the instruction of Sydney Joseph Littleford, a Director of Petroleum Engineering Services Limited filed a Patents Form 7/77 naming Stuart Crawford Brown as sole inventor.
9. When instructing Fitzpatricks, Sydney Joseph Littleford believed Stuart Crawford Brown to be sole inventor of the invention, not fully appreciating the contribution made thereto by the Referrer.
10. Having regard to the foregoing facts the Referrer is the joint inventor of the invention described in the Application.
11. The Referrer seeks from the Comptroller:  
a Certificate that he is the joint inventor with Stuart Crawford Brown. The Referrer

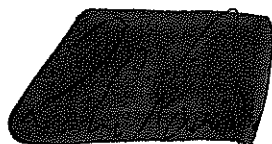
further seeks rectification of any and all undistributed copies of the published Application and of any documents prescribed for the purposes of Section 13(1)."

In accordance with rule 14(2), copies of the application under section 13(1) and the accompanying statement were sent to Petroleum Engineering Services Limited and Stuart Crawford Brown under cover of official letters dated 24 March 1994.

Neither of these recipients has entered opposition to the application as allowed under rule 14(3). In the absence of such opposition, I am satisfied that James Crabb is a joint inventor of the invention which is the subject of the patent application in suit and therefore has a right to be mentioned as such in accordance with the terms of section 13(1).

I accordingly direct under rule 14(5) that James Crabb shall be mentioned as an inventor with Stuart Crawford Brown in any patent granted for the invention and that an addendum slip mentioning James Crabb as inventor be prepared for the published application of the patent.

Dated this 6 day of September 1994



Leslie Lewis

Principal Examiner, acting for the Comptroller



**THE PATENT OFFICE**