

BLO/102/86

PATENTS ACTS 1949 AND 1977

IN THE MATTER OF Patent

No 1,581,480 in the name of

A/s Raufoss Ammunisjons-Fabrikker

and

IN THE MATTER OF an application

for revocation thereof by

R D Werner Co Inc

FINAL DECISION

Revocation of the Patent under Section 33 of the Patents Act 1949 was sought on the grounds that the invention was obvious and did not involve any inventive step, and was not useful, and that the complete Specification did not sufficiently and fairly describe the invention and the method by which it was to be performed. In my Interim Decision dated 11 February 1985 I found that only the ground of insufficiency had been established.

The applicants for revocation appealed to the Patents Court from that decision insofar as it rejected the grounds of obviousness and inutility, and the patentees cross appealed by way of their Respondent's Notice seeking reversal of that part of the decision upholding the objection of insufficiency. In its judgement dated

16 October 1985 the Patents Court rejected both appeals and ordered remission to the Comptroller General for further consideration of any amendments to be filed.

The patentees had first formally submitted amendments in the prescribed form on 10 April 1985, which were subsequently resubmitted informally on 21 November 1985. These amendments were advertised in the Official Journal (Patents) on 12 February 1986. No notice of opposition thereto was received within the stated period.

The proposed amendments comprise deletion of sentences at page 1 lines 34-37 and 41-42 together with minor consequential amendment. The amendments are stated to be by way of correction and/or explanation. I am satisfied that the amendments now proposed satisfactorily deal with the issue of insufficiency and are such as may lawfully be made under Section 29 of the Patents Act 1949.

In the result, I allow the amendments to the complete specification shown in red on the copy of the specification filed by the patentees on 10th April 1985.

In all the circumstances, I award the patentees, A/s Raufoss -  
Ammunisjons-Fabrikker, the sum of five hundred pounds (£500) as a  
contribution towards their costs and direct that such sum be paid  
to them by the applicants for revocation R D Werner Co Inc.

Dated this 9<sup>th</sup> day of June 1986.

M F VIVIAN

Superintending Examiner, acting for the Comptroller.



PATENT OFFICE