

BLO/089/90

PATENTS ACT 1949

IN THE MATTER OF an application  
under Section 33 by Richard Hoseason Smith  
for the revocation of Patent  
No 1356259 in the name of  
Brupat Limited

DECISION

Richard Hoseason Smith applied to the comptroller on 23 April 1985 for the revocation under section 33 of the Patents Act 1949 of Patent No 1356259 in the name of Brupat Limited (hereafter 'Brupat').

Subsequent to making this application, Mr Smith was declared bankrupt under the provisions of the Bankruptcy (Scotland) Act 1985 and in a sequestration Act and Warrant of the Sheriff of the Sheriffdom of Lothian and Borders dated 24 February 1987 a Permanent Trustee was appointed on his sequestrated estate. In a letter to the comptroller dated 27 May 1987, agents acting for the Permanent Trustee submitted that the right to continue with the application in suit was thereby vested in the Permanent Trustee. This submission was disputed by Mr Smith in two letters to the comptroller dated 24 May 1988 and 3 October 1988 in which he contended that he was still the applicant for revocation.

However, following the receipt of the letter from the agents on 27 May 1987, no further communication was received from the Permanent Trustee. In particular, no response was received to official letters to the Permanent Trustee dated 15 October 1987, 9 March 1988, 15 August 1988, 26 September 1988, 8 March 1989, 20 March 1989 and 28 June 1989. Moreover, following the receipt of his letter dated 3 October 1988, no further communication was received from Mr Smith. In particular, no response was received to official letters dated 8 March 1989, 20 March 1989, 28 June 1989 and 28 July 1989.

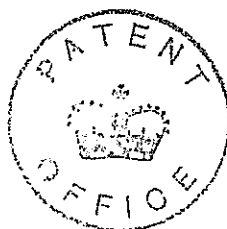
In view of this lack of response, Mr Smith and the Permanent Trustee were each informed in official letters dated 26 July 1990 that it appeared that neither of them had any further interest in the application in suit and that, accordingly, unless either confirmed an interest within one month, the comptroller would deem the applicant to have withdrawn from the proceedings without deciding the matter of whether the applicant in question was Mr Smith or the Permanent Trustee. Again, no response was received from either Mr Smith or the Permanent Trustee.

Accordingly, the applicant for revocation is deemed to have withdrawn from the proceedings. Having considered the objections raised in the application in suit, I decide to make no order for revocation of the patent.

Dated this 22 day of October 1990

B G HARDEN

Superintending Examiner, acting for the Comptroller



THE PATENT OFFICE

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