

PATENTS ACT 1977

0126/93

IN THE MATTER OF an application under Section 13(3) by Arakawa Kagaku Kogyo KK in respect of Patent Application No 2229721 in the name of Arakawa Kagaku Kogyo KK

DECISION

Patent Application No 9006211.8 in the name of Arakawa Kagaku Kogyo KK was filed on 20 March 1990 and published as Serial No 2229721 on 3 October 1990 naming Fumio Moriuchi, Hiroshi Yano and Kazushige Kajita as inventors.

Application under Section 13(3) of the Patents Act 1977 was made on 8 July 1992 by Arakawa Kagaku Kogyo Kabushiki Kaisha (the "Applicants") declaring that:

"Dr Kajita is no longer an inventor of the invention claimed and hence ought not to be mentioned in pursuance of section 13(1) as the sole or joint inventor of the invention which is the subject of the said application."

The application was subsequently accompanied by a statement under rule 14(1) filed 10 September 1992 stating inter alia:

"3. In response to a lack of unity objection raised in a Section 18(3) report dated 4 December 1991 the Applicant caused a divisional application (No 92 11 511.2) to be lodged on 1 June 1992. On the same day the claims and description of the Application were restricted.

4. Form 7/77 accompanying application No 92 11 511.2 designated Fumio Moriuchi, Hiroshi Yano and Kazushige Kajita.

5. Dr Kajita's contribution to the invention as filed on 20 March 1990 is contained within application No 92 11 511.2.

6. Accordingly the Applicants ask that the patent to be granted on application No 90 06 211.8 (but not the application itself) mention Dr Moriuchi and Dr Yano as inventors."

In accordance with rule 14(2), copies of the application and statement were sent to Fumio Moriuchi, Hiroshi Yano and Kazushige Kajita under the cover of official letters dated 22 September 1992 allowing a period of two months from the date of the letters in which to oppose the application by filing a counter-statement setting out fully the grounds of opposition in accordance with rule 14(3).

None of these recipients has entered opposition to the application as allowed by rule 14(3). In the absence of any opposition, I am satisfied that Kazushige Kajita ought not to be mentioned as an inventor in the patent granted for the invention. Accordingly, I direct that this decision serves as a certificate, issued in accordance with Section 13(3), to that effect.

Signed this 17 day of February 1993



LESLIE LEWIS
Principal Examiner, acting for the Comptroller



THE PATENT OFFICE