

*to read*

*Dr Ferdinando*

*3446*

**PATENTS ACT 1977**

IN THE MATTER OF an application under Section 72 by Amman Plant Hire Ltd for revocation of Patent No 2249293 in the name of Gareth John Thomas

*24/1/94*

and

IN THE MATTER OF an offer to surrender the patent by Gareth John Thomas

**DECISION**

Patent No 2249293 was granted on 28 October 1992. On 6 April 1993, Amman Plant Hire Ltd applied under Section 72 of the Act for revocation of the patent, filing documents purporting to demonstrate that the invention subject of the patent was not new on the date of the application. In a letter to the Office dated 14 June 1993, the proprietors have stated that they do not contest the matter, and have formally offered to surrender the patent by filing Form 18/77.

Since an offer to surrender takes effect only from the date it is formally accepted by the Office, whilst revocation takes effect retrospectively, I have to consider whether it is appropriate to accept the offer to surrender or to order revocation.

As no counterstatement has been filed, the matters set out in the statement accompanying the application for revocation can be taken as conceded. Thus, it would appear that between February 1990 and November 1992, a company by the name of Swelco-Eighty Ltd, manufactured a number of conveyor pans as sub-contractors to Amman Plant Ltd. These pans incorporated a one-piece deck/top runner pressing, and were to a design shown in a drawing produced by Amman Plant [Ltd?] and dated January 1990. This drawing shows a conveyor pan having all the features of claim 1 of the patent in suit.

It follows that at the date of the application for a patent, the alleged invention was not new. I therefore find that the grounds for revocation have been made out and so I refuse to accept the offer to surrender and order that the patent be revoked.

Signed this 24 day of January 1994



G M ROGERS  
Principal Examiner, acting for the Comptroller

