

IN THE MATTER OF a withdrawn application  
under Section 72 by Stewart Singlam  
Fabrics Limited for the revocation  
of Patent No 2151269 in the name of  
Rosemary Vanessa Amelia Moore

**DECISION**

The patent in suit is entitled "Fabric material and a process for its production". The filing date was 17 December 1984, and it claims priority of 15 December 1983.

Application for revocation was made on 2 September 1987 by Isabel Martin. During the course of the proceedings the patentee offered unconditional amendments which were duly advertised, following which opposition to the amendments was lodged by the applicant Isabel Martin.

Two preliminary hearings (decisions dated 16 October 1990 and 17 March 1992) were held in respect of procedural points, in the second of which the substitution as applicant for revocation of Stewart Singlam Fabrics Limited in place of Isabel Martin was allowed.

The new applicants for revocation now state that they no longer wish to pursue the application, and the original applicant for revocation, Isabel Martin, has withdrawn her opposition to the proposed amendments.

In an Official letter dated 8 October 1992, copied to the Agents for the applicants for revocation, the patentee was informed that the Office was pursuing the issue of amendment in the public interest, and gave one month for response. No formal response was received from any of the parties.

Having now considered the matter, I decide that, whether or not the amendments are made, there should be no order for revocation of the patent.

With regard to the proposed amendments, the view taken by the Office was that, since the amendment proposed in claim 1 was not reflected in the corresponding statement of invention, the amendment would introduce uncertainty as to the monopoly. In the absence of argument, to the contrary, I concur with this view, and therefore decline to exercise the Comptroller's discretion to allow the amendments proposed.

The patent thus remains in force in the form it was granted.

Dated this 16 day of December 1992.



B WESTERMAN

Principal Examiner, acting for the Comptroller

**THE PATENT OFFICE**