

BLO/073/90

PATENTS ACT 1977

IN THE MATTER OF Patent Application

No 8525627 in the name

of Robert James Waring (Snr)

STATEMENT OF REASONS

The examiner having raised objection under Section 1 (2) (d) that the claims did not constitute a patentable invention, the matter was brought to a hearing before me on 3 April 1990.

Mr P S Russell appeared as agent for the applicant and Mr G J W Russell attended as examiner in the case (all further references to "Mr Russell" refer to Mr P S Russell). After hearing Mr Russell, I decided that the examiner's objection was well-founded and refused to allow the application to proceed to grant under Section 18 (3) unless the specification is amended to my satisfaction. The reasons for my decision are as follows.

The specification relates to a traffic violation ticket set and claim 1, the broadest claim, reads:

A traffic violation ticket set in the form of a stationery copy set of which the top sheet providing the ticket is of a waterproof paper.

Of the remaining claims, claims 2 to 4 are appendant to claim 1 and relate to details of the sheets and claim 5 is an omnibus claim.

As originally filed, the claims, in their broadest aspect, related to a stationery copy set in which at least one sheet was of a waterproof paper. The present claims were filed in response to the citing of prior art (presented to the examiner by way of third party observations under Section 21) in the official letter dated 11 May 1989. In his letter dated 19 October 1989, accompanying the present claims, Mr Russell conceded that the prior art showed that waterproof paper was used in copy sets for various purposes for many years prior to the present application date.

The patentability objection under Section 1 (2) (d), as raised in the official letter dated 19 December 1989, was argued on the basis of the previously-cited prior art, in particular GB 897221, which discloses a stationery copy set with a waterproof top sheet for recording details of a garment in a dry cleaning process. In his response dated 1 March 1990, Mr Russell drew attention to Kessler's Application 1973 FSR 189 to support his argument that the printing on a traffic violation ticket does not serve solely to present information but must also serve as a matrix to ensure that legally required particulars relating to the offence are entered on to the ticket by the issuing officer in an orderly and complete manner, and therefore the printed matter which identifies a copy set as a traffic violation ticket set has utility amounting to more than the mere presentation of information.

At the hearing, Mr Russell developed his submission that a traffic violation ticket set has practical utility as a matrix for data. He drew my attention to an example of a traffic violation ticket in current use, as well as a sample of the traffic violation ticket set claimed. In particular, Mr Russell pointed out that Home Office regulations laid down the printed format required for traffic violation ticket sets to provide a matrix for recording the date, time and identity of the vehicle.

Mr Russell also referred me to Kessler's Application as a precedent case which he considered to be relevant as an example of a patentable invention characterised by information presented on a sheet providing a matrix for the recording of data.

Mr Russell also made reference to paragraphs 1.07, 1.08 and 1.30 of the Patent Office Manual of Patent Practice regarding the interpretation of Section 1 (2) (d) of the Patents Act and stressed that a traffic violation ticket was more than simply a printed ticket per se but would be understood by those skilled in the art to have specific provision for data recording.

While accepting Mr Russell's submissions regarding the format of currently available traffic violation tickets in this country, I would observe that the present specification is silent as to the traffic violation ticket format.

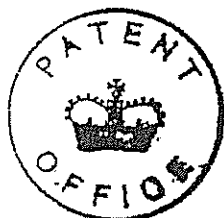
Mr Russell has conceded that stationery copy sets using waterproof paper are known and that the only feature distinguishing the copy set of the invention from the prior art is that it is a traffic violation ticket set. Having considered Mr Russell's submissions regarding the nature of current traffic violation ticket sets, the disclosure in the present specification and the prior art exemplified by the dry cleaning copy set in GB 897221, I am satisfied that the only distinguishing feature between the copy set claimed and the acknowledged prior art copy set resides in the nature of the information identifying the copy set as a traffic violation ticket set, and that therefore the only contribution to the art proposed by the claims consists of the presentation of information. As Section 1 (2) (d) declares that anything which consists of the presentation of information is not an invention for the purposes of the Patents Act, I find that the invention claimed is not a patentable invention and therefore the application fails to comply with Section 1 (1) (d).

The applicant has the opportunity to propose amendments to meet this finding within the time limit imposed by Section 20 as extended by the period for appeal from the decision, which is 6 weeks from the date of the hearing.

Dated this 5th day of April 1990.

K C THOMAS

Principal Examiner, acting for the Comptroller



THE PATENT OFFICE