

BLO/035/90

PATENTS ACT 1977

IN THE MATTER OF a reference
under Section 37(1)(a) by
Michael John Houghton in respect
of Patent No 2154184 in the
name of Bowling & Smith Limited

DECISION

Patent application No 8503297, relating to a transport container especially for livestock, was filed on 8 February 1985 and was granted on 21 October 1987 under Patent No 2154184 to Bowling and Smith Limited.

On 20 November 1987 Michael John Houghton referred to the Comptroller under section 37(1)(a) the question whether he alone should be named as the proprietor of the patent, the facts upon which he relied being set out in an accompanying statement.

The proprietors filed a counterstatement on 21 March 1988 rejecting the referrer's claim. In accordance with rule 54 the referrer's evidence in chief in support of his case became due in early July 1988. No evidence was filed by the specified time but in their letter to the Patent Office dated 1 July 1988 the referrer's patent agents stated that they had received an approach from the patent agents acting for Bowling & Smith Limited with a view to settling the dispute. They sought a two month extension of time in which to file their clients' evidence.

The extension was granted, as indeed were numerous further extensions while negotiations between the parties continued. Finally the Patent Office issued a letter stating that a hearing would be appointed if by 12 December 1989 notification of a settlement had not been received or the referrer's evidence filed. However,

shortly before the deadline the referrer's patent agents stated in a letter to the Office that the proprietors' patent agents were no longer acting in the proceedings and that they hoped to conclude a settlement with Mr Bowling direct within a few days. As a consequence the Office extended the deadline to 31 January 1990.

In their letter to the Office dated 29 December 1989 the referrer's agents stated that a settlement agreement had been signed, and this was confirmed by a letter from Bowling and Smith Limited dated 25 January 1990 in the following terms:-

"We, Bowling and Smith Limited, the present registered proprietors of the Patent, hereby withdraw from the proceedings under Section 37(1)(a) and agree that the Comptroller shall order that the Patent be transferred into the sole name of Michael John Houghton."

Accordingly I order that the register of patents be amended to show Michael John Houghton as the sole proprietor of Patent No 2154184.

Both parties having stated that they do not seek an award of costs, I make no order in respect of costs.

Dated this ^{14th} day of March 1990

DR P FERDINANDO
Superintending Examiner, acting for the Comptroller

THE PATENT OFFICE

