

IN THE MATTER OF an application under Section 13(3) by W L Gore & Associates Inc and W L Gore & Associates (UK) Limited in respect of Patent Application No 2261668 in the names of W L Gore & Associates Inc and W L Gore & Associates (UK) Limited

**DECISION**

Patent Application No 9219772.2 which derived from PCT/GB91/00661 having a filing date of 26 April 1991 was filed in the names of W L Gore & Associates Inc and W L Gore & Associates (UK) Limited ('Gore'). A new "divisional" Application No 9220872.7 was subsequently filed on 5 October 1992 under section 15(4) in respect of part of the matter contained in the application in suit. The application in suit was published on 26 May 1993 under Serial No 2261668A naming Andrea Gellan and William Patrick Mortimer Jnr as inventors.

Application under section 13(3) of the Patents Act 1977 was made on 21 January 1994 by the applicants for the patent declaring that William Patrick Mortimer Jnr ought not to be mentioned as an inventor of the invention which is the subject of the patent application in suit and applying for a certificate to that effect.

The application was accompanied by a statement under rule 14(1) of the Patents Rules 1990 which stated:

"the present application is the British National Phase of International Application PCT/GB91/00661 which specifies two inventors viz; Andrea Gellan and William Patrick Mortimer. The subject matter of the present application has been limited to subject matter invented by Andrea Gellan and a Divisional Application GB 9220872.7 has been filed to the subject matter invented by

William Patrick Mortimer. Accordingly, we wish that the present application reflect the correct inventor, Andrea Gellan."

In accordance with rule 14(2), copies of the application under section 13(3) and accompanying statement were sent to Andrea Gellan and William Patrick Mortimer Jnr under cover of official letters dated 10 February 1994.

Neither of these recipients has entered opposition to the application as allowed by rule 14(3). In view of the fact that it appeared from the statement that the published application correctly named Andrea Gellan and William Patrick Mortimer Jnr as the inventors of the subject-matter of that published application, the applicants were informed in an official letter dated 3 August 1994:

"As regards the published patent application 2261668 (9219772.2), it is the preliminary view of the hearing officer acting for the Comptroller that this application contains matter which was invented by each of the named inventors and that accordingly the mention of both inventors in that published patent application is correct and the certificate sought under Section 13(3) should not be issued in respect of that application. Accordingly, unless the application under Section 13(3) in respect of published patent application 9219772.2 is withdrawn in writing within 14 days of the date of this letter then, subject to any comments and/or any request for a hearing made within that period, the hearing officer proposes to refuse the application in this respect."

No response to this letter has been received.

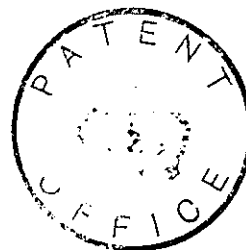
In the absence of any opposition to the application or of any response to the official letter of 3 August 1994, I am satisfied that Andrea Gellan and William Patrick Mortimer were correctly mentioned as inventors in the published application for the invention but that William Patrick Mortimer Jnr ought not to be mentioned as an inventor in any patent granted

for the invention. Accordingly, I direct that William Patrick Mortimer Jnr ought not to be mentioned as an inventor in any patent granted for the invention.

Signed this 26 day of AUGUST 1994

*Leslie Lewis*

LESLIE LEWIS  
Principal Examiner, acting for the Comptroller



**THE PATENT OFFICE**