

PATENTS ACT 1977

IN THE MATTER OF

a reference under section 37

by Bryan Morgan

in respect of patent number EP(UK) 0485551

in the name of Celcat International Limited

FINAL DECISION

1. In my decision dated 26 January 1999 I made an award of costs in favour of Mr Bryan Morgan following withdrawal of the opponents to the reference under section 37 by withdrawing their counterstatements in a letter dated 2 November 1998.
2. In that decision I should have taken account of the need to find expressly in favour of Mr Morgan not only in respect of the costs but also in respect of the section 37 action itself. This had been promised by the Office in a letter dated 2 November 1998 and now seems to be the only matter outstanding.
3. By withdrawing their counterstatements the opponents have effectively placed themselves in the situation of not contesting the proceedings initiated by Mr Morgan. I therefore find that Mr Bryan Morgan is the true proprietor of European Patent(UK) 0485551 and direct that the Register of Patents should be amended accordingly.

Dated this 27th day of January 1999

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Divisional Director, acting for the Comptroller

THE PATENT OFFICE