

PATENTS ACT 1977

IN THE MATTER OF an application
under section 28 by Francis Vause for
restoration of European Patent (UK)
Number 0571385 in the name of
Classlife Limited

DECISION

1. On 14 August 2000 I issued a decision in respect of this application under section 28 by Mr Francis Vause. In accordance with paragraph 16.3 of Practice Direction Part 49E made under the Civil Procedure Rules 1998, any appeal from my decision had to be lodged within six weeks, that is by 25 September 2000. However, under paragraph 16.5 of Practice Direction Part 49E I have the power to extend the appeal period if a request is made prior to the expiry of the six week period.

2. On 22 September 2000, that is before the period had expired, Wilson Gunn M'Caw, the agent acting for Mr Vause, requested an extension of one month. In a letter containing this request, the agent explained that Mr Vause is seeking legal aid and awaits a decision from the Legal Aid Board.

3. I recognise that Mr Vause may not wish to commit himself to the costs associated with the preparation of an appeal before he knows the outcome of his application for legal aid, and I consider that it is reasonable to extend the appeal period in this case. Accordingly, I allow a further month from 25 September for a Notice of Appeal to be lodged. The period will now expire on 25 October 2000.

Dated this 28th day of September 2000

R J Walker

Assistant Director, acting for the comptroller

THE PATENT OFFICE