

PATENTS ACT 1977

IN THE MATTER of UK patent application
No. 9708681.3, International patent application
No. PCT /GB98/00652 and European patent
application No. 98908220.1 in the name of
Bradford Hospitals NHS Trust
and
a reference under sections 8(1)(a) and 12(1)(a)
by Thirumani Sabanathan

SUPPLEMENTARY DECISION

- 1 On 25 January 2001 I issued a decision under sections 8(1)(a) and 12(1)(a) finding in favour of Thirumani Sabanathan against Bradford Hospitals NHS Trust who did not contest the reference.
- 2 The order under section 12 which appears in paragraph 30 of the decision in favour of Mrs Sabanathan was in the following terms:

“I therefore declare that under Article 60 EPC the right to a European patent arising from European application No. 98908220.1, insofar as it still subsists and including any rights arising in consequence under Article 61 EPC, belongs solely to Thirumani Sabanathan as successor in title to the inventor Sabaratnam Sabanathan”.
- 3 On 16 February 2001 a letter was received from Hepworth Lawrence Bryer & Bizley, Mrs Sabanathan’s agents, pointing out a decision of the Enlarged Board of Appeal of the European Patent Office (G3/92) from which it is submitted that Mrs Sabanathan’s rights manifestly extend to the right to file a new application under Article 61 EPC, regardless of the pendency or otherwise of the original application made in the name of Bradford Hospitals NHS Trust.
- 4 They request the decision of the Comptroller be amended to reflect this, for example by simple deletion of the terms “insofar as it still subsists” and “in consequence” from the above quoted paragraph.
- 5 Since this in essence does not change what I originally decided and indeed could be said to more accurately reflect my intentions, I am willing to do this.
- 6 Therefore, having regard to the findings as set out in the original decision No. O/037/01, I declare that under Article 60 EPC the right to a European patent arising from European application No. 98908220.1, and including any rights arising under Article 61 EPC, belongs solely to Thirumani Sabanathan as successor in title to the inventor Sabaratnam Sabanathan”.

7 Since this is a supplementary decision the period for appeal must run from the date of the original decision, ie six weeks from 25 January 2001.

Dated this 19th day of February 2001

G M BRIDGES

Divisional Director, acting for the Comptroller

THE PATENT OFFICE