

PATENTS ACT 1977

IN THE MATTER OF a reference under
Section 8 by Bartlett Engineering (South Wales)
Limited in respect of Patent Application Number
GB 0208639.5 in the names of Michael Charles
Richard Bartlett and Steven Philip Corcoran

DECISION

- 1 Patent application number GB 0208639.5 was filed on 16 April 2002 in the names of Michael Charles Richard Bartlett and Steven Phillip Corcoran.
- 2 Bartlett Engineering (South Wales) Limited has referred to the comptroller under section 8 the question of entitlement of patent application number GB 0208639.5 and has requested that the application proceed in the name of Bartlett Engineering (South Wales) Limited as sole applicant with Michael Bartlett and Steven Corcoran named as joint inventors.
- 3 In their statement the claimants allege that they employed Steven Corcoran, a student of the University of Wales Institute, Cardiff and that during his period of employment, the invention covered by the application was invented by Michael Bartlett and Steven Corcoran. For his part, Michael Bartlett had a "special obligation to further the interest of Bartlett Engineering (South Wales) Limited in accordance with Section 39(1)(b) Patents Act 1977."
4. In order to clarify whether the named inventors were a party to the reference, the Office wrote to each of them. In a letter dated 20 May 2003, the agents acting for the claimants confirm that Michael Charles Richard Bartlett is a party to the reference. In a letter dated 2 June 2003, Steven Corcoran states that the invention covered by the patent application was developed during a technology transfer partnership that ran for a contract period of two years. During this period he states that he was employed by the University Wales Institute Cardiff. In support of this he has submitted a statement outlining the main terms

and conditions of his employment. Although he refers to an agreement with Mr Bartlett dated 18 August 2002 concerning the invention, at paragraph four of his letter he states that he has “no objection to the change requested ie Bartlett Engineering (South Wales) Limited as the sole applicant”. I have taken this statement to mean that he does not oppose the reference filed under section 8 by the claimants and in the absence of a counter-statement, I consider the reference to be unopposed.

5 Accordingly I direct that patent application number GB 0208639.5 should proceed in the sole name of Bartlett Engineering (South Wales) Limited and that Michael Charles Richard Bartlett and Steven Corcoran should be named as joint inventors in any published patent application for the invention.

6 Since a request for costs has not been made, I accordingly make no order in that respect.

7 Any appeal against this decision must be filed within 28 days of the date of this decision.

Dated this 9th day of September 2003.

MRS S WILLIAMS

B3 Head of Litigation Section, acting for the Comptroller

THE PATENT OFFICE