



BL O/200/04

8th July 2004

PATENTS ACT 1977

APPLICANT Porter Lancastrian Limited

ISSUE Whether patent application number GB
 0219567.5 should be refused under
 section 18(3)

HEARING D J BARFORD
OFFICER

DECISION

- 1 Application number GB 0219567.5 (Athe application@) entitled ATelevision screen units@ was filed under the Patent Cooperation Treaty with an international filing date of 26 June 2002 and claiming a priority date of 26 June 2001. Alastair Benn was named as sole inventor. Early entry to the national phase and accelerated prosecution were requested in a letter received on 22 August 2002 and a combined search and examination report under sections 17 and 18(3) was issued on 20 November 2002. The application was published as WO 03/001798 on 3 January 2003 and republished as GB 2380630 on 9 April 2003. The applicant responded to the combined search and examination report in a letter dated 7 May 2003 by way of amendments to the description and claims.
- 2 On 31 July 2003 observations on patentability were filed under section 21 by patent agents instructed by Mr Benn. Further observations were filed under section 21 on 5 and 14 August, 17 and 18 September and 3 October 2003. All of these observations were copied to the applicant in accordance with usual practice.
- 3 In an examination report dated 9 October 2003 objection was raised to lack of novelty having regard to prior use as described in witness statements by Brian Meetens and John Charles Griffin filed under section 21. The applicant was invited, in accordance with section 18(3), to submit amendments or make observations within a period of two months, that is to say by 8 December 2003, and warned that the application might otherwise be refused.
- 4 Further observations under section 21, received on 8 and 28 October 2003, were also copied to the applicant who, on 13 November 2003, requested an extension of time to reply to the official letter of 9 October 2003. An extension to 8 February 2004 was granted.

- 5 No response having been received from the applicant by that date, an official letter was issued on 19 March 2004 warning of refusal but giving the applicant the opportunity to comment by 19 April 2004. No response having been received by that date either, an official letter was issued on 24 May 2004 giving the applicant an opportunity under section 101 to be heard on the matter, and stating that unless a response was received by 9 June 2004 the application would be refused. Again no response was received.

Findings

- 6 The examiner has reported that the application does not comply with the requirements of the Act, and has given the applicant an opportunity within a specified period to make observations on the report and to file amendments. The applicant having failed to respond and therefore having failed either to satisfy the comptroller that those requirements are complied with or to have amended the application so as to comply with them, I hereby refuse the application under section 18(3).

Appeal

- 7 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

DAVID BARFORD

Deputy Director acting for the Comptroller