



BL O/265/06

20th September
2006

PATENTS ACT 1977

BETWEEN

Stephen Puddefoot; Teknov 8 Limited

Claimant

and

Chalmor Limited

Defendant

PROCEEDINGS

Reference under section 8(1)(a) of the Patents Act 1977 in
respect of patent application number GB 0603486.2

HEARING OFFICER

P Marchant

ORDER

- 1 In the substantive action, Stephen Puddefoot and Teknov 8 Limited have referred to the comptroller the question of entitlement to Patent Application number GB0603486.2 in the name of Chalmor Limited.
- 2 The applicants' Statement of Case was filed on 14 July 2006 with certain documents as attachments. They have subsequently, on 3 August 2006, filed six e-mails referred to in the Statement of Case.
- 3 The applicants made the request, with their 3 August filing, that attachments "A" and "B" to the Statement of Case, and parts of three of the e-mails, be treated as confidential under Rule 94(1) of the Act. The three e-mails in question are i) from Steven Henry dated 6 October 2005, ii) from Stephen Puddefoot dated 16 November 2005 at 11:13 and iii) from Steven Henry dated 16 November 2005 at 16.45. Redacted versions of these e-mails have been submitted.
- 4 They also ask for an extension of the 14 day period for requesting confidentiality specified in Rule 94, sufficient to allow the request for confidentiality to be made in respect of attachments A and B.

- 5 The reason for requesting confidentiality is that the documents and parts of documents in question relate to the technical content of the invention, the subject of the present patent application. The patent application has not yet been published, and the applicants wish to maintain the confidentiality of the subject matter, firstly in case the application is withdrawn and its content never published, and secondly in case any of the technical subject matter disclosed in the documents in question has not been disclosed in the present patent application.
- 6 I note that the comptroller has discretion by virtue of Rule 110(1) to allow an extension of the 14 day period specified in Rule 94.
- 7 I consider these legitimate reasons for the documentation in question to be made confidential. It is clear to me that the parties' rights in the technical content of the patent application take precedence over the public need to be informed of this part of the evidence in the present action. I also consider that it is appropriate that the 14 day period in rule 94 should be extended to allow the request for confidentiality to be effective in respect of documents A and B.
- 8 I hereby order as follows:
- i. that the period under Rule 94 in respect of documents A and B attached to the Statement of Case be extended to one month so that it will have expired on 14 August 2006.
 - ii. that documents A and B, and the full versions of the three e-mails referred to in paragraph 3 above, be kept confidential and not laid open to public inspection, but that the redacted versions of those e-mails be open to public inspection.
 - iii. that the documents I have ordered to be made confidential nevertheless be available to Chalmor Limited and their legal advisors for the purposes only of the present proceedings.

Appeal

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

P MARCHANT

Deputy Director acting for the Comptroller