



BL O/002/07

5th January 2007

PATENTS ACT 1977

BETWEEN

AOEM (UK) Limited

Claimant

and

COMMTEL (UK) Limited

Defendant

PROCEEDINGS

Reference under section 72 of the Patents Act 1977 in
respect of patent application number GB 2315611

HEARING OFFICER

P THORPE

DECISION

Background

- 1 The patent in suit, GB 2315611 is based on an application filed on 11 July 1997 in the name of the sole inventor Mr Richard Drewnicki. The application was subsequently granted as GB 2315611 (hereinafter "the patent") on 18 August 1999. The patent claims a priority date of 18 July 1996. In December 2004 AOEM (UK) Ltd (hereafter "AOEM") filed the present application for revocation under section 72 of the Patents Act 1977. The grounds given were that the alleged invention lacked novelty and was obvious.
- 2 By virtue of an assignment dated 16 June 2001 the patent is now in the name of Commtel (UK) Ltd (hereafter "Commtel").

The History of the Proceedings

- 3 It is I believe necessary for reasons that hopefully will become clear to set out in some detail the history of these proceedings. As noted the application for revocation was filed on 1 December 2004. The claimant was represented at that time by solicitors Bircham Dyson Bell. Following objections by the Office a revised statement of case was filed on 13 January 2005. This revised statement of case also included an affidavit by Mr Norman Gray, the Managing Director of AOEM. It is perhaps worth noting that throughout these proceedings the only representative from AOEM who has been involved is Mr

Gray. Indeed the impression that I have was that to all intent and purpose Mr Gray is AOEM. That does not however alter the fact that the application was made in AOEM's name and not Mr Gray's.

- 4 Following the filing of the counterstatement on 4 February 2005, the claimant filed its evidence. This included, in addition to the affidavit already provided by Mr Gray, a witness statement from Mr Peter Groves, a consultant with Bircham Dyson Bell, which discussed various prior art cited by the Office during the examination of the patent. Evidence was subsequently filed by the defendant in the form of a witness statement from the inventor Mr Richard Drewnicki.
- 5 In a letter dated 25 January 2006, Bircham Dyson Bell informed the Office that it had not received any instructions from its client with regard to the filing of any evidence in reply. It also requested that it be removed from the record as representative of the claimant and that any future correspondence should be directed to AOEM direct. The letter went on to confirm the contact details for AOEM as:

AOEM Ltd
Stainton Grange
Stainton Way
Stainton
Middlesborough

- 6 In early June 2006 the Office wrote to both parties to arrange a date for the hearing. The letter to AOEM was sent to the above address. Mr Gray subsequently telephoned the Office on 21 July 2006 to note that he was unable to attend a hearing in September as he had to go into hospital. He requested that the hearing be held in October. Mr Gray did however go on to say that his hospital appointment would not actually prevent him from attending in September; it would just make him slightly less mobile. Commtel responded by indicating that an October date would present it with difficulties. Both sides were then asked by the Office to find a mutually acceptable date for the hearing.
- 7 In the event this was not possible and consequently the Office fixed the hearing date for Monday 25 September 2006. This was considered late enough in September to allow Mr Gray sufficient time to recover mobility yet was before a visit to the United States by one of the representatives of Commtel. Letters detailing the arrangements for the hearing were sent out to both sides on 8 August. The letter to AOEM was sent to the address mentioned above.
- 8 Shortly before the scheduled hearing date the Office sought to contact both sides to confirm attendance and to remind the parties of the need to file skeleton arguments. After a number of attempts the Office was able to contact Mr Gray by telephone. He stated that he had not received the notification of the hearing date and since he was unavailable on that date he asked for it to be postponed.

- 9 In response I convened a telephone case management conference on 21 September 2006 to discuss whether the hearing should be postponed, and if so to when. Mr Gray participated for AOEM and Mr Richard Davis as Counsel for Commtel. During this conference Mr Gray stated that he had not received notification of the hearing scheduled for the 25 September as AOEM's address had changed. Mr Gray indicated that the address for service given to the Office by his former legal representatives had not been in use since September 2005 as the company had moved premises. Furthermore, mail had only been forwarded from this address to the new address up until December 2005. Mr Gray was unable to explain why his former legal representatives had informed the Office of his old address.
- 10 Mr Gray went on to explain that he was not in a position to attend the hearing as he had arranged to travel to Cyprus from 25 September until 16 October. He had also not advised replacement legal representatives. Mr Davis initially argued that the hearing should still take place on 25 September however following further discussion he agreed to a short postponement. He did however indicate that his client would be seeking costs in respect of the postponement of the hearing. A new hearing date was set for Monday 23 October 2006. Mr Gray also agreed to provide the Office with an address for service for AOEM's new legal representatives by the following day. In the event he did not do this.
- 11 AOEM filed its skeleton argument on 18 October 2006. This made a number of new assertions. It also included an itemised list of 17 "supporting documents and samples", together with copies of a number of drawings and tables, which although not clearly identified appeared to be certain of the listed documents.
- 12 The defendant filed its skeleton argument on 19 October 2006. On the same day the Office received a fax from Mr Gray in which he said:

"Since our document was sent to you yesterday certain other samples have become available which have been purchased from retail and these samples clearly demonstrate that Commtel has copied our products which I believe substantiates our allegation that this has happened on a continuing basis.

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. .

I will bring to the Hearing a product which has been purchased from a UK retailer which contains the item in question and which is to anyone concerned an obvious copy of the AOEM product and in my opinion would cast doubt upon Commtel's claim that their design is original and was not copied from or utilised Mr Gray's designs. In addition we have purchased several other products which demonstrate Commtel's willingness to copy Mr Gray's products. All items are in sealed unopened packaging which has not been tampered with and is freely available from many UK retailers today.

We will not be legally represented at the Hearing. However it is my belief that the truth can be established at the Hearing and that a Patent should not have been awarded in this case. I will have with me original information and samples of products to substantiate our case."

The Hearing

- 13 The hearing duly commenced on 23 October 2006 with again Mr Gray representing AOEM and Mr Davis appearing as Counsel for Commtel. Mindful that AOEM was not legally represented, I sought to explain to Mr Gray that the purpose of the hearing was to allow the parties to present their arguments as to why the patent is or is not invalid. As a result of various comments in some of the pleadings and evidence, I noted that the issue of whether either side had copied the other's exterior designs was not relevant to these proceedings.
- 14 I also explained to Mr Gray that the onus is on AOEM as the claimant to show that the patent is invalid. Mindful that by his own admission Mr Gray was unfamiliar with proceedings before the Comptroller, I went on to suggest that in presenting AOEM's case, Mr Gray might wish to deal first with the question of novelty highlighting the particular arguments and evidence that go to that question. Then he could deal with the issue of obviousness, again directing me to the relevant argument and evidence. I emphasised also the importance of focusing any arguments on the claims in the patent, and in particular claim 1. I made these suggestions in the hope that if he did this then it might not be necessary to consider some or possibly all of the new evidence that the claimant had advanced in its skeleton argument or had foreshadowed there and in its subsequent fax.
- 15 In the event however it became necessary at the hearing to consider at some length all this new evidence. Having heard arguments from both sides and taking account of all the circumstances, I decided that none of this new evidence should be admitted. It is not necessary for me here to set out why I reached that decision. I will however note that the factors that weighed most heavily against the claimant were firstly that it was not clear, with the odd possible exception, whether any of this new evidence was really relevant to the question of the validity of the patent. Secondly, and perhaps more importantly, Mr Gray was unable to give any plausible reason why this evidence had not been submitted earlier. Indeed he went so far as to admit that most if not all of the samples that he sought to refer to at the hearing had been made available to the claimant's original legal representatives at the start of the proceedings back in January 2005. Neither they nor the claimant considered it then necessary to submit any of these samples as evidence. To allow any of this new evidence to be admitted at such a late stage in the proceedings would have required in the least a further round of submissions and most likely a further hearing. This would have further delayed proceedings that had already been ongoing for a considerable time. Therefore, I decided not to admit any of the new evidence. I would add that in reaching this decision I was fully mindful of the public interest of ensuring that only valid patents remain on the register.
- 16 The hearing therefore proceeded on the basis of the evidence as filed in the normal evidence rounds. Mr Gray took me to the various documents purporting to show that the patented invention is not novel. I will discuss this in more detail shortly. Just before the hearing adjourned for lunch the issue of obviousness was discussed. I asked Mr Gray whether he understood the concept of obviousness. He simply answered no. I therefore took a few

moments to explain to Mr Gray what he needed to demonstrate in terms of obviousness.

- 17 The hearing duly reconvened after lunch. Immediately Mr Gray, who was the only person present for the claimant, indicated that he was not feeling well. He explained that during the lunch recess he had had a hypoglycaemic reaction which he believed might have been caused by the stress of the hearing. I therefore adjourned the hearing after indicating to both parties that the Office would contact them in the next day or two to determine how the matter should be progressed.
- 18 On 24 October 2006 the Office contacted Mr Gray by telephone. Mr Gray indicated that he was still feeling unwell and consequently was not in a position to consider a conference call with the other side and me. He indicated that he would be returning to Cyprus the following day and would then probably be in a clinic for approximately 3 days. He left details of his mobile phone number with a view to the Office contacting him early in the following week to set up the conference call.
- 19 On the 26 October 2006 the defendant wrote to the Office, copied by email to Mr Gray, urging me to proceed to writing my decision without any further delay and without the need to reconvene the hearing.
- 20 Mr Gray was subsequently contacted by the Office. He informed the Office that he was still not well enough to consider further anything in relation to these proceedings. He went on to note that he had asked that his assistant forward no papers on this matter to him. Mr Gray was unable to give any indication as to when he would be well enough to give the matter more consideration.
- 21 The Office subsequently wrote to both sides on 3 November 2006 to advise them that I had decided that the just course was indeed for me to proceed to my decision on the basis of the material available to me then. The hearing would not be reconvened nor would I seek any further written submissions. I set out my general reasoning in that letter but I also indicated that I would explain my reasoning in more detail in this decision. This is what I will now do. I should add that the Office has received no response from either side to this letter.
- 22 As I have noted these proceedings were initiated in December 2004. Since then the claimant AOEM has had ample opportunity to gather and present its evidence. Immediately before the hearing and also at the hearing itself the claimant in the guise of Mr Gray sought to submit additional evidence. A significant part of the hearing on the 23 October was devoted to this new evidence which after hearing from both Mr Gray and Mr Davis, I refused to admit. Notwithstanding this Mr Gray was still able to fully present his arguments in respect of novelty based on the evidence that had already been filed. Mr Gray did not however have an opportunity to present his arguments on inventive step nor did he have an opportunity to seek to advance a further argument relating to an allegation by Commtel of infringement on the part of AOEM of the patent which Mr Gray thought relevant to the question of novelty.

- 23 It was of course open to me to invite further submissions either in writing or orally at a further hearing. However as I have already noted, Mr Gray made it clear following the adjournment that he was not in a position then to respond to any further correspondence relating to the case nor was he able to give any indication as to when he would be in a position to consider the matter again.
- 24 The obvious course for me was therefore to proceed, as the defendant had suggested, to writing the decision on the basis of the material already before me. But would this have been fair to the claimant? In particular would it have denied the claimant of a fair opportunity to put its case fully? I concluded it wouldn't. Indeed having carefully considered all the material filed, I came to the view that the claimant would not have been able to put forward any further valid arguments. The question of obviousness is as I discuss below barely pleaded whilst the allegation of infringement that might have had a bearing on novelty is without any basis in either the statement of the case or the evidence. Therefore any further arguments on either of these would have constituted yet more new evidence which I would then almost certainly have had to refuse. I would add that even if that had not been the case, I would still have been extremely reluctant to extend what have already been protracted proceedings for a further and possibly indefinite period of time. To have done so would have been grossly unfair to the defendant who has a right to a decision within a reasonable time.
- 25 I therefore concluded that the just course was indeed to proceed to writing the decision on the basis of the material before me. This would not include any of the material that I deemed inadmissible at the hearing.

The patent

- 26 The patent relates to an electrical connector for use for example with telephone apparatus. One embodiment of the invention is illustrated in the following diagram. This shows the electrical connector in the form of a telephone extension lead socket. The connector has a body moulded from plastics and consisting of two parts (6,13) which together define a socket that houses an array of electrical spring contacts (15). During assembly, the wires are positioned in slots defined by guides (9) in the body (6) and bent upwards using a bridge like supporting element (10) as a fulcrum to form the spring contacts (15). The bridge like supporting element (10) is integrally formed in the body part (6).

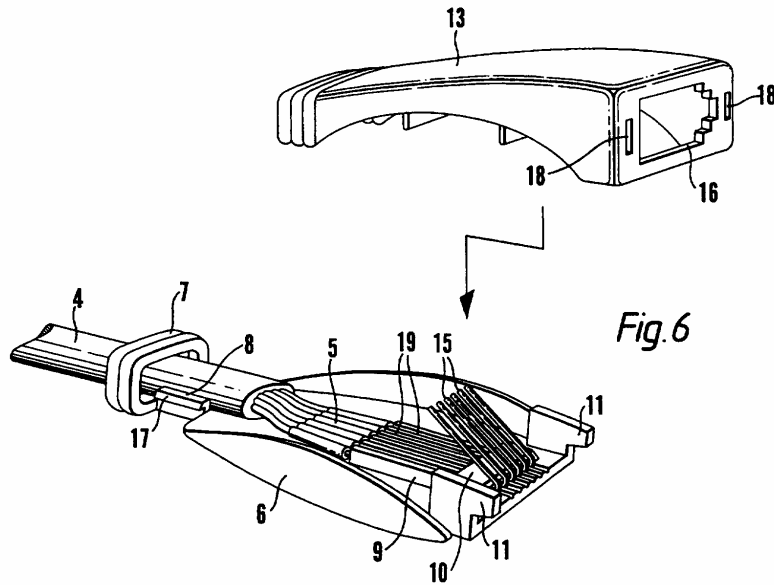


Fig. 6

27 The patent includes the following independent claims:

Claim 1

An electrical connector comprising a body defining a plug-receiving socket, at least one wire member forming an electrical contact in the socket, and a support member integral with the body and embraced by the or each wire member, wherein the integral support is in the form of a bridge defining an aperture adapted to receive and position a plurality of the wire members.

Claim 12

A method of making an electrical connector comprising providing straight wire members for forming electrical contacts, providing a body to define the connector, providing the body with a member, the member being in the form of a bridge defining an aperture for supporting the wire members, positioning the wires in the aperture and bending the wire members round the support member to form the wire members into spring contacts embracing the support member.

28 As noted in the description of the patent, it was already known to provide connectors having “a plug-receiving socket in which resilient electrical contacts in the socket are formed from bent wire”. Therefore the invention, if there is one, resides in the design of the support member. This according to the claims is required to be:

- i. integral with the body and
- ii. embraced by the or each wire member and
- iii. in the form of a bridge defining an aperture that receives and positions a plurality of wire members.

Arguments relating to novelty

29 According to the claimant the invention was “*common practice*” in the industry at the time of the priority date. In particular, the claimant firstly asserts that a company under the name of Fax Link International Ltd which was set up by Mr Gray, produced in 1979 an adaptor cable to enable a fax switch to be connected to the telephone network. According to the affidavit of Mr Gray, the socket in this adaptor, which I shall call the Fax Link adaptor was:

“assembled by crimping gold-plated pins to the ends of the wires provided in the telephone cable, passing the pins through apertures provided in the body of the socket and bending the wires back to form electrical connections with the jack. The body of the socket was made in two pieces and the bridge in which the apertures were provided was an integral part of one half of the body”.

30 Mr Gray goes on to state that he is:

“unable to see how the connector described in the Patent differs from this 1979 design”.

31 The defendant denies that the Fax Link adaptor is constructed according to the same principles as set out in the claims of the patent. In particular it claims that the support member was not integral with the body of the socket. Support for its position is provided by the witness statement of Mr Drewnicki, the only evidence filed by the defendant.

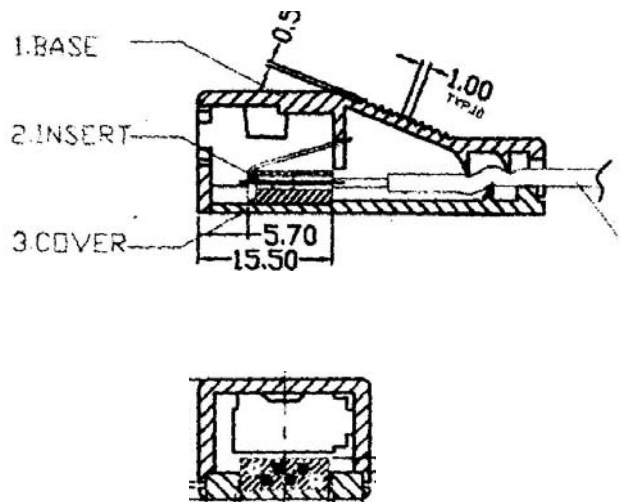
32 So who out of Mr Gray and Mr Drewnicki is right? Normally in such cases I would look to any supporting evidence or failing that the credibility of the conflicting witnesses. Unfortunately here I have none of these. The claimant in particular has not put forward any supporting evidence to show how these Fax Link adaptors were constructed. Given that the company who produced these was set up by Mr Gray, it is surprising that it has not been able to produce as part of the normal evidence rounds drawings or samples to show how these adaptors were constructed.

33 In the absence of any such evidence, and also in the absence of anything to discredit Mr Drewnicki as a witness, I am left with no choice but to conclude that the claimant has not discharged the burden on it of proving that these adaptors did in fact render the patent as lacking in novelty.

34 The claimant also alleges that it produced in 1995 under its former name Avro Pacific Plc a connector having an internal configuration that is “*indistinguishable from the teachings of the patent*”. In support of this assertion it has filed as evidence two drawings purporting to show two designs of this connector. These drawings have been labeled as NG2 and NG3 by the claimant.

35 Drawing NG2 shows in a number of profiles and cross sections an electrical connector. The drawing has the date of “Feb 18 95” entered in a box that

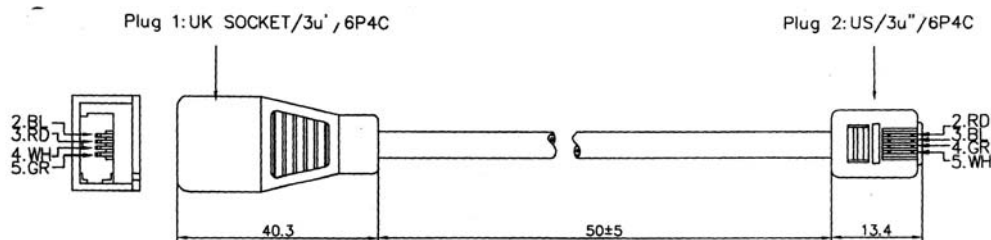
appears to indicate when the drawing was produced. The most relevant profiles are the two showing the internal construction of the socket. These are shown below. The top profile is a sectional view along the socket whilst the profile below shows a section across the socket and looking out of the socket.

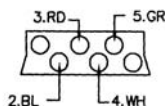


- 36 The labeling is as shown in the actual drawings. Although it is not entirely clear from the reproductions shown above, the socket in this drawing is made up of three main components: a base, a cover and an insert. The cable is secured between the base and the cover and the individual strands of wire in the cable pass through openings in the insert and are then bent back over the insert. The pattern of the openings in the insert 2 is just visible in the bottom figure (four of the six openings containing wires are shown by solid fill).
- 37 Mr Davis asserts that the connector shown in this document does not have all the features of the invention. For example it does not show an insert which is integral with the body. Mr Gray however contests that the product shown in this drawing does have all the features of the claim. In taking this position I did not understand Mr Gray to be interpreting the phrase “integral with the body” in a particular way that was different to that being used by Mr Davis. Indeed I believe that both sides were proceeding on the basis that this particular phrase meant that the support member was not in itself a separate component but rather was formed integrally with the body of the connector or a part of the body. Having regard to the description and drawings in the patent I believe that it is reasonable to construe this phrase in that way.
- 38 So is the support member in NG2 integral with the body? Mr Davis asserts that the wires in this document are supported by the insert, labeled as piece number 2. This insert which supports, receives and positions the wires is clearly not integral with the body. It is a separate component as evidenced by the fact that it is labeled separately and is also shown with different hatching. Mr Davis also refers to the claimant’s own skeleton argument where in discussing the differences between the invention and the connector shown in NG2, the claimant notes that:

“The only real difference between Mr Gray’s original design from Jan/Feb 1995 and Mr Drewnicki’s version is that Mr Drewnicki avoided the need to insert the gold wires into a separate piece of plastic and in fact his design incorporated the holder into the base molding of the unit”.

- 39 I should add that Mr Davis also has serious doubts as to the veracity of the date of the drawing; however since in his view it clearly does not anticipate the claimed invention there was no need to pursue that line of argument.
- 40 When pressed at the hearing Mr Gray did not contest that the insert as shown in drawing NG2 was a separate component. Rather he argued that the insert was in practice glued to the cover and once this had occurred the two parts effectively became a solid item; in other words the support became integral with the body. Anyone who dismantled a connector made in this way would conclude that the insert was integral with the body.
- 41 However as Mr Davis was very quick to point out, this was a completely new argument. It had not been raised previously in any of the material submitted by the claimant despite there being ample opportunity to raise it. I indicated at the hearing that I was not minded to allow Mr Gray to pursue this line of argument unless he could show to me that it had in fact been raised previously. This he was not able to do. Having subsequently re-examined all the evidence put in by the claimant I cannot find any explicit reference to gluing or indeed any suggestion in any of the material that the insert in drawing NG2 is intended to be glued in place. I will therefore not consider this line of argument but instead rely solely on the evidence properly submitted.
- 42 In respect of drawing NG2, as the claimant acknowledges, this does not teach a support integrally formed with the body. Hence even if this document or products made in accordance with the drawing had been made available to the public before the priority date of the patent as Mr Gray claims, then that would not have rendered the invention so far as set out in the claims of the patent as lacking in novelty.
- 43 I turn now to drawing NG3. This appears to show a slightly different connector to that in NG2. The drawing is dated 24 July 1995. Mr Gray alleges in his witness statement that articles made to these designs were sold in the UK and elsewhere from 1995. I reproduce below what appear the most relevant sections from that drawing.





- 44 Mr Davis' view on this document is that it effectively only shows the connector in an assembled state. It provides nothing on the construction of the item labeled "Plug 1:UK Socket". On this I have to agree with Mr Davis. There is simply nothing in this drawing to indicate that this connector has all the features set out in the claims of the patent.
- 45 For completeness I think that I must refer briefly to the witness statement of Mr Peter Groves of Bircham Dyson Bell which formed part of the claimant's evidence. Mr Groves was not cross examined nor did either Mr Gray or Mr Davis refer to his evidence during the hearing. It is of course possible that either Mr Gray or Mr Davis was intending to raise this evidence but were prevented from doing so due to the sudden adjournment of the hearing. I suspect however that neither thought it particularly relevant. Indeed the skeleton argument from the claimant made no reference to it whilst that of the defendant merely noted that Mr Grooves does not "*pretend to be an expert in the technology so the opinions expressed in the body of his evidence are entirely irrelevant*". That might be the case on the question of obviousness which I shall come on to shortly, but I do not think it prevents me from looking at his evidence from the point of view of novelty. Indeed given the public interest that arises in revocation actions, it would I think be remiss of me not to consider this evidence.
- 46 I do not know if Mr Groves has any background in intellectual property. He has nevertheless sought to break down claim 1 into its constituent parts much as I have done above. He has then considered three of the documents cited during the examination of the patent. Of these three he appears to suggest that only one, namely US 4975078, discloses along with most if not all the other features of claim 1, a support member which is integral with the body. I have however carefully considered this document and have concluded that it does not in fact disclose a support that is integral with the body. The support in US 4975078 is, as with the connector shown in NG2, clearly a separate insert.
- 47 Therefore having considered all the evidence available to me I am satisfied that the invention set out in the patent is novel.

Arguments relating to obviousness

- 48 I consider now the question of whether the invention involves an inventive step, or to put it another way is the invention obvious? Section 3 of the Act provides that:

An invention shall be taken to involve an inventive step if it is not obvious to a person skilled in the art, having regard to any matter which forms part of the state of the art..

- 49 The long established objective test for determining inventive step is the four-step test postulated by Oliver LJ in *Windsurfing International Inc. v Tabur Marine (Great Britain) Ltd.*[1985] RPC 59, that being (at pages 73 and 74):
1. to identify the inventive concept embodied in the patent in suit,
 2. to assume the mantle of the normally skilled but unimaginative addressee in the art at the priority date and impute to him what was, at that date, common general knowledge in the art in question,
 3. to identify what, if any, differences exist between the matter cited as being “known or used” and the alleged invention,
 4. to ask whether, viewed without any knowledge of the alleged invention, those differences constitute steps which would have been obvious to the skilled man or whether they require any degree of invention.
- 50 Typically in cases in which the question of obviousness is raised, arguments and evidence will be put forward that go to addressing these four questions. In this case unfortunately I have no such arguments or evidence. All I basically have is an assertion in the statement of case that the invention “*was obvious at the priority date*”. The claimant, on who the onus lies, has put forward no argument or evidence as to the common general knowledge at the priority date nor has it sought to identify any differences between this art and the invention as claimed. Indeed what argument it did put forward appeared to suggest that there were no differences; in other words the arguments went to the question of novelty rather than obviousness.
- 51 Prior to adjourning the hearing for lunch I sought to explain to Mr Gray what was necessary to demonstrate that an invention was obvious, referring him to the steps in the Windsurfer test mentioned above. I concluded by asking whether he understood what was required and he answered, honestly that he did not. I nevertheless invited him to consider the matter further over lunch and to address me to the extent that he could on obviousness after lunch. For reasons that I have already set out this did not happen. It is my firm belief that even if Mr Gray had been able to proceed he would not have been able to put forward any real case on obviousness on the basis of the material that the claimant had already put forward.
- 52 Even if I accept that the connectors shown in NG2 and NG3 and also in the prior art referred to by Mr Groves represent the common general knowledge at the priority date then there would still be nothing before me to suggest that it would have been obvious to a skilled addressee to incorporate in any of these connectors the missing essential features, in particular a support member integral with the body. Accordingly I must conclude that the invention claimed in the patent is inventive over the prior art submitted.

Conclusion

- 53 I conclude that patent number GB 2315611 is novel and inventive over the prior art submitted by AOEM and accordingly I dismiss the application for revocation.

Costs

- 54 The defendant has won and so is in principle entitled to costs. Normally costs are awarded in accordance with a published scale.¹ however I have the power to award costs off the scale where the circumstances warrant it. The defendant has suggested that the circumstances in this case, particularly those surrounding the late cancellation of the hearing scheduled for September justify an award towards the upper end of the published scale or even off the scale. Both sides were invited to make submissions on the matter of costs at the hearing in October however this did not happen due to Mr Gray being taken ill. Mr Gray did however provide some background as to the difficulties that he had had in prosecuting the case. I indicated then that I may ask him to put these in writing however after giving the matter further consideration I do not believe it is proportionate given the sums involved to invite further submissions on the matter.
- 55 Instead I have decided to award the defendant the sum of £1500 as a contribution to its costs. This is made up of £1000 as a normal on-scale award in respect of proceedings that involved little evidence and which required a hearing lasting just over half a day plus the sum of £500 as a contribution to the expense incurred by the defendant as a result of the cancellation of the hearing scheduled for September. In respect of the latter I have taken into account the illnesses suffered by Mr Gray but have concluded that this does not wholly excuse the failure of the claimant to notify the Office of a change in its address for service, or its failure to provide adequately for the forwarding of mail, that led in part to the cancellation of the September hearing.
- 56 In summary I award Commtel (UK) Ltd the sum of £1500 to be paid by AOEM (UK) Ltd not later than 7 days after the expiry of the appeal period. If an appeal is lodged, payment will be automatically suspended pending the outcome of the appeal.

Appeal

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

Phil Thorpe

Deputy Director acting for the Comptroller

¹ Patents Hearing Manual Paragraph 5.45ff (<http://www.patent.gov.uk/hearings-chapter05.pdf>)