

18 December 2012

PATENTS ACT 1977

PARTIES Thomas Julius Borody and Soledad Carsula

ISSUE Whether a certificate should be issued in
accordance with section 13(3) to the effect that
Soledad Carsula should not have been mentioned
as a joint inventor in patent number GB2487166

HEARING OFFICER A R BUSHELL

DECISION

- 1 Following the international phase of international patent application number PCT/AU2010/001411, patent application number GB 1207472.0 entered the national phase in the UK and was subsequently published as patent number GB 2487166. The original PCT application named two inventors; Thomas Julius Borody and Soledad Carsula.
- 2 Thomas Julius Borody, the current patent proprietor, has made an application under section 13(3) of the Act to the effect that Soledad Carsula should not have been mentioned as a joint inventor.
- 3 Soledad Carsula has also confirmed in a written declaration that he should not have been mentioned as a joint inventor. I therefore conclude that all relevant parties agree that Soledad Carsula should not have been mentioned as a joint inventor in the published patent application for this invention.
- 4 Accordingly I find that Soledad Carsula should not have been mentioned as an inventor in respect of published patent application number GB 2487166. This decision, issued in accordance with section 13(3), serves as a certificate to this effect. I also direct that an addendum slip be prepared for the published patent application stating that Soledad Carsula should not have been mentioned as an inventor.

A R BUSHELL

B3 Head of Litigation Section, acting for the Comptroller