

23 September 2014

**PATENTS ACT 1977**

BETWEEN

Millipede (Marketing) Limited

Claimant

and

Andrew John Harsley

Defendant

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PROCEEDINGS

Reference filed under section 12(1) of the Patents Act 1977 regarding European  
Patent application EP 04736517.6

HEARING OFFICER

Julyan Elbro

Mr Chris Hall of 11 South Square instructed by HGF Law LLP of for the claimant

Ms Isabel Jamal of 8 South Square instructed by Agile IP for the defendant  
Hearing date: 23 September 2014

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**TRANSCRIPT OF ORAL DECISION**

THE HEARING OFFICER: The point is this is a European patent application which has lapsed. So, you are not actually asking me to make any order for changes on the register or anything like that, you are simply asking for a declaration, so that you can then file a new application under the provisions of the EPC for a replacement application.

MR. HALL: That is correct.

THE HEARING OFFICER: Yes. Good. Thank you.

MR. HALL: We are agreed on everything else; costs and further or other relief, all of that has gone. So, it is simply the finding that we are entitled, which parties are agreed we need.

THE HEARING OFFICER: Good. Ms. Jamal, do you have anything?

MS. JAMAL: Sir, I have no further submissions; only to confirm that my client is content with the proposals that my learned friend makes.

THE HEARING OFFICER: Very well. In that case, I will give you an oral decision now. Having received agreed submissions from both the parties, I find that the claimant is entitled to grant of a patent for the invention disclosed in European Patent Application EP 04736517.6, and I make no order for costs in this case. So far as I am concerned, this concludes these proceedings.

MS. JAMAL: I am grateful.

MR. HALL: Yes. I might just add, is it possible that we could have a written decision to that fact?

THE HEARING OFFICER: What will happen is we will get the transcript of this hearing, such as it is, and we will put the relevant bit of the transcript as the decision in writing that will be sent to you.

MR. HALL: That is very helpful. Thank you, sir. I am sure the EPO will be grateful for that as well.

THE HEARING OFFICER: Thank you very much.

MS. JAMAL: Thank you.

MR. HALL: Thank you.

## **Appeal**

Any appeal must be lodged within 28 days.

**JULYAN ELBRO**  
Divisional Director acting for the Comptroller