

THE PATENTS ACT 1977

CLAIMANT Drayson Technologies (Europe) Ltd

ISSUE Reference under section 12(1)(a) in
 respect of US patent application
 US16/336612

HEARING OFFICER H Jones

DECISION

- 1 This reference under section 12(1)(a) is concerned with entitlement to US patent application number US16/336612 filed by Drayson Technologies (Europe) Limited relating to circuitry for harvesting energy from stray electromagnetic fields. The application names Diana Stefan as a joint inventor alongside various other individuals. This decision concerns the question of entitlement as between the claimant and Dr Stefan.

Background

- 2 Dr Stefan was employed by the claimant as a Control Systems Engineer from 17 November 2014 until 17 December 2017. At the time the invention described in the application was made, Dr Stefan was employed by the claimant and was responsible for “supporting activities related to prototyping and manufacturing wireless energy systems”.
- 3 The claimant says that it is its understanding that to fulfil a formal requirement of US practice, formal assignments signed by the inventors are necessary because the USPTO will otherwise decline to decide questions of entitlement which they deem to relate to the ownership of property under foreign law. Dr Stefan has been asked to assign the application to the claimant on a number of occasions but has not yet completed such formal assignment.
- 4 Dr Stefan was notified of this reference by official letter dated 27 May 2021 sent to her current employer in France. She did not file a counter-statement in response to this notification and so was informed that the reference would be treated as unopposed, i.e. that the comptroller must treat him as supporting the claimant’s case. Again, Dr Stefan did not respond.

Assessment

- 5 Bearing in mind that these proceedings are uncontested, I must accept the claims made by the claimant in relation to the patent application and the invention to which it relates. Nevertheless, I am satisfied that the documentary evidence provided by the claimant, namely a redacted copy of Dr Stefan's contract of employment, a witness statement from Ms Alison Lloyd, Head of Engineering at Drayson Technologies, together with a copy of the US patent application, do support the claimant's claims. Therefore, by virtue of section 39(1)(a) of the Patents Act, the claimant is entitled to the invention made by Dr Stefan as well as to any patent application resulting therefrom.

Order

- 6 I find that:

Drayson Technologies (Europe) Limited is and has at all times been entitled to be granted a patent or patents in the United States of America for the invention described and claimed in US16/336612;

Drayson Technologies (Europe) Limited has or would have all right and interest in any such patent or application for any such patent in the United States of America.

- 7 I order that:

Dr Diana Stefan's rights in the invention described in US16/336612 are hereby assigned to Drayson Technologies (Europe) Limited.

Huw Jones

Deputy Director, acting for the Comptroller