

COUNCIL REGULATION (EEC) NO. 1768/92

IN THE MATTER OF Application Nos. SPC/GB/96/030, SPC/GB/96/031, SPC/GB/96/032, SPC/GB/96/033, SPC/GB/96/034 and SPC/GB/96/035 in the name of Takeda Chemical Industries Limited

DECISION

- 1 In a decision dated 6 December 2001 I rejected six requests which were identified as SPC/GB/96/030 - SPC/GB/96/035, for the grant of Supplementary Protection Certificates and I indicated that in accordance with paragraph 16.3 of Practice Direction Part 49E made under the Civil Procedure Rules 1998, any appeal from the decision must be lodged within six weeks.
- 2 The patent agents Elkington & Fife who act for the requester Takeda Chemical Industries Limited ("Takeda"), wrote in a letter dated 2 January 2002:

"Although we received instructions from the client to file a Notice of Appeal on 20 December 2001, the Christmas break and the subsequent holidays commitments of first, the undersigned and then Council (*sic*) who represented the applicants at the hearing, the applicants require an extension of time in which to prepare and file the Notice of Appeal. In view of the fact that Counsel, Mr Alexander, is on holiday until 8 January 2002, we hereby request an extension to the appeal period of two weeks."
- 3 This letter of 2 January 2002 also referred to an earlier, unreported decision in *Loblite Limited v Caradon MK Electric Limited* O/274/98 in which the Superintending Examiner, acting for the Comptroller, stated that:

" , I believe it is fair to recognise that the Christmas season can in practice occasion more than the bare minimum of interruption. In all the circumstances, I am persuaded that it would be reasonable to extend the appeal period by two weeks, but not the full month requested."
- 4 Takeda's patent agents indicated by telephone to the Patent Office that Takeda were content for a decision to be issued on the basis of the submissions made in the letter of 2 January 2002. I have therefore proceeded on this basis.
- 5 I am conscious that when considering a request to extend the period during which an appeal may be lodged against a decision of the Comptroller, I should have full regard to the same overriding objectives as the courts, as set out in rule 1.1 of the Civil Procedure Rules 1998. One of these objectives is to deal with cases expeditiously and fairly. Thus, if I am to allow the present request for an extension I must be satisfied that the reason given is sufficiently

strong to outweigh the potential harm to other parties or the public that may be caused by further delay.

- 6 In *Loblite Limited v Caradon MK Electric Limited* the Superintending Examiner commented that the applicant's reasons for requesting an extension, based on interruptions produced by the Christmas break, were rather weak. Similarly, I do not consider the reasons which are given in the letter of 2 January 2002, to be strong ones. However, in the present case it seems to me that allowing the requested short extension will cause no harm to any other party or to the public.
- 7 Accordingly, I order that the period for appeal against my decision of 6 December 2001, as set out in paragraph 37 of that decision, shall be extended by two weeks. The period will now expire on 31 January 2002.

Dated this 8th day of January 2002

R J WALKER

Deputy Director, acting for the Comptroller

THE PATENT OFFICE