



BL O/039/06
6th February 2006

PATENTS ACT 1977

PARTIES Epic Systems Corporation, Aaron T Cornelius,
Baiming Zou and others

ISSUE Whether Aaron T Cornelius should be
mentioned as an inventor and the name of
Baiming Zou removed as an inventor in
patent number GB 2380032 as a result of
applications filed under section 13(1) and 13(3)

HEARING OFFICER S M Williams

DECISION

- 1 Following the international phase of international patent application number PCT/US01/20357, patent application number GB 0229681.2 entered the national phase in the UK. The application, filed in the name of Epic Systems Corporation, was published as GB 2380032 and named nine inventors; Ervin Dennis Walter, Samit Govind Sureka, Joel Erick Rod, Carl David Dvorak, Gary Stanton Holmes, Scott Andrew Lordi, Mukesh Allu, Baiming Zou and Sumit S Rana.
- 2 Epic Systems Corporation have applied to have Aaron T Cornelius named as a further inventor in accordance with section 13(1) of the Act. The patent proprietors have also filed an application under section 13(3) to the effect that Baiming Zou should not have been mentioned as a joint inventor in the granted patent.
- 3 In the absence of any objection to the contrary from the currently named inventors and Aaron T Cornelius, and having obtained written consent from the patent proprietors, the applications filed under section 13(1) and 13(3) have been consolidated.
- 4 Written consent to the applications has been received from each of the named inventors with the exception of Samit Govind Sureka, who was declared deceased on 29 August 2001, and Baiming Zou. Aaron T Cornelius has also filed written consent.
- 5 It is clear from the evidence provided that the patent proprietors have tried to contact Baiming Zou in order to obtain consent to the application filed under section 13(3). However it would appear that they wrote to him at a different

address to that shown in the patents register. Since it is not clear which address is Mr Zou's most recent, the Office wrote to him at the address shown in the register and allowed him a period of six weeks to file a counter-statement should he wish to oppose the applications. No response was received from Mr Zou and so the Office wrote to him again explaining that subject to any comments he might wish to make, the applications would be treated as unopposed. Mr Zou has not responded within the period set by the Office. In view of the fact that Mr Zou has failed to file a response and given that consent to the applications has been filed by each of the parties having an interest in this matter, I therefore consider the applications to be unopposed.

- 6 Accordingly I find that Aaron T Cornelius should be mentioned as a joint inventor in the granted patent for the invention and that the name of Baiming Zou should be removed from the list of inventors. I also direct, in accordance with rule 14(5) that an addendum slip be prepared for the granted patent, the slip to mention Aaron T Cornelius as a joint inventor and to state that Baiming Zou should not have been mentioned as an inventor.
- 7 This decision serves as a certificate, issued in accordance with section 13(3), to the effect that Baiming Zou should not have been mentioned as an inventor in the granted patent.
- 8 Under the Practice Direction to Part 52 of the Civil Procedure Rules any appeal must be lodged within 28 days.

S M WILLIAMS

B3 Head of Litigation Section, acting for the Comptroller