

14 March 2008

## PATENTS ACT 1977

BETWEEN Daniel B Nielson, Alliant Techsystems Inc., Michael T Rose, Daniel W Doll, James R Hodgson, Robert K Goodell, Randall T Busky and Edward J Bray II

PROCEEDINGS Mention of additional inventor for patent number GB 2412156 under Section 13(1)

HEARING OFFICER S M Williams

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## DECISION

- 1 Patents Form 7/77 names six inventors: Michael T Rose, Daniel W Doll, James R Hodgson, Robert K Goodell, Randall T Busky and Edward J Bray II
- 2 Daniel B Nielson has now made an application in accordance with section 13(1) of the Act to the effect that he ought also to have been named as a joint inventor.
- 3 Alliant Techsystems Inc, the patent proprietors, have consented to the application. However consent was not filed by the six named inventors. Consequently, the Office sent them a copy of the application, including a copy of the statement filed under rule 14(1) of the Patents Rules 1995 and invited them to file a counter-statement if they wished to oppose the application.
- 4 The background to the application was set out in the statement. As none of this has been contested by the named inventors, I accept it all as a true statement of the facts.

### The statement

- 5 Mr Nielson has at all material times been an employee of Alliant Techsystems Inc, the patent proprietor. He was a member of the team employed by them which developed an invention relating to reactive material enhanced projectiles and related methods, in respect of which a US patent application was applied for on 15 March 2004 with the application number 60/553430. As other engineers became involved in the project, Mr Nielson's involvement lessened with the result

that when the documentation for the US patent application was being assembled, his name was inadvertently omitted from the list of inventors.

- 6 In accordance with US patent law, the US patent application was subsequently filed in the name of the same six inventors shown on Patents Form 7/77. The six inventors assigned their rights in the invention, including the right to file foreign patent applications, to Alliant Techsystems Inc.
- 7 On 14 March 2005 Alliant Techsystems Inc. filed the UK patent application claiming priority from the US application of 15 March 2004. Patents Form 7/77 was filed naming the six inventors from the US application and quoting assignments dated 9 May and 7 August 2005.
- 8 It then came to the attention of the patent proprietors that Mr Nielson should have been included as inventor and applicant in the US patent application and named as an inventor in the UK patent application. On 14 March 2007 Mr Nielson executed an assignment of his rights in the invention and in all the patent applications relating thereto to Alliant Techsystems Inc. A copy of the assignment document is included as annex 1 to the statement.

### **Findings**

- 9 In view of the consent from the patent proprietors and in the absence of counter-statements from the six named inventors, I consider the application filed by Daniel B Nielson to be unopposed.
- 10 Accordingly I find that Daniel B Nielson should be mentioned as a joint inventor in the published patent application and granted patent for the invention and I direct, that an addendum slip mentioning him as a joint inventor be prepared for the published patent application and granted patent.

**S M Williams**

B3 Head of Litigation Section, acting for the Comptroller