



May 2010 with a latest date for reply of 20 September 2010. The covering letter accompanying this first examination report informed the applicant that the compliance period would end on 18 May 2011.

- 6 In response to the first examination report, amendments were filed on 22 November 2010, the reply period being extended as-of-right under section 117B(2). The amendments were filed by fax and comprised manuscript amendments to the claims only. In an official letter dated 8 December 2010, hard copies of the amended pages were requested by 22 December 2010.
- 7 The examiner telephoned the attorney for the applicants (“the attorney”), Dr Keith Boden, on 20 December 2010 and indicated that the manuscript amendments to the claims overcame the objections raised in the first examination report. However, the description required amendment for agreement with the amended claims, and hard copies of the amended claims were required. A report of the telephone conversation issued, setting a latest date for reply of 21 January 2011.
- 8 In response to the telephone report, amendments to the description were filed on 14 February 2011, the reply period being extended as-of-right under section 117B(2). However, further amendments to the claims were also included with this response. These amendments were not hard copies of the manuscript amendments to the claims filed by fax on 22 November 2010 as requested by the examiner by telephone.
- 9 A second examination report thus issued on 4 March 2011 with a latest date for reply of 15 April 2011.
- 10 In response to this second examination report, further amendments were filed on 13 June 2011 and the reply period for this second examination report was extended as-of-right under section 117B(2). In addition, Patents Form F52 (hereafter “F52”) and the necessary fee were also filed on this date to extend the compliance period as-of-right under rule 108(2). The compliance period was thus extended to 18 July 2011.
- 11 A third examination report was issued on 22 June 2011 with a latest date for reply of 6 July 2011.
- 12 In each of the second and third examination reports, the examiner raised clarity objections against the claims, noting differences with the manuscript-amended claims which had previously been considered allowable (in December 2010). The examiner also raised objections with regard to bringing the description into agreement with the claims, and title of the invention.
- 13 Amendments were filed in response to this third examination report on 6 September 2011, an as-of-right extension to the reply period being requested under section 117B(2). A F52 dated 6 September 2011 was also filed with these amendments indicating that a request was being sought under r108(3) for a further extension. This form did not specifically identify which time period the applicant wished to extend under this rule. The applicant included no other materials with this form in support of this request for a further extension.

- 14 Given that the compliance period had expired on 18 July 2011 and the cover letter from the applicant and their attorney refers to the their belief that the application now complies with the Act and rules and is in order for grant, the Patents Formalities section dealing with the F52 dated 6 September 2011 concluded that this request was for a further extension to the compliance period for this application<sup>1</sup>. This request was referred to the examiner to consider if discretion should be exercised to grant the requested further extension.
- 15 The examiner informed the attorney, in a letter, dated 16 September 2011, (copy sent by email on 15 September 2011), that the request could not be allowed because no reason for this request had been provided. The attorney was also informed that some objections raised in the third examination report were still outstanding.
- 16 The attorney provided a response to this official letter by email on 15 September 2011, giving as the reason for the request under rule 108(3) that an administrative error had occurred resulting in the period of the extended r30 period being recorded incorrectly as 12 months rather than 2 months.
- 17 In a letter dated 19 September 2011, the examiner informed the attorney that the request to extend the compliance period under rule 108(3) had not been accepted, and offered a hearing. The examiner also reviewed the nature of the amendments required, the relevance of the prosecution history of the application and the request for a discretionary extension. Taking all of this together the examiner refused the request for the discretionary extension to the compliance period for this case. The examiner also urged the attorney to address all outstanding objections by 19 September 2011, as this would be the final day of the further extended compliance period if the discretionary extension was allowed.
- 18 The attorney responded by letter on 19 September 2011, requesting a hearing, filing amendments to the description and claims, and providing further written arguments in support of the extension request, in particular, why the examiner was applying the incorrect test in relation to refusing this request.
- 19 The examiner issued a pre-hearing report dated 11 October 2011 summarising all the issues to be addressed at the hearing. The examiner indicated that the amendments filed on 19 September 2011 would overcome all outstanding objections and would therefore put the application in order for acceptance. Thus, if the discretionary extension is allowed, the application is considered to be in order for grant.
- 20 A hearing was appointed for 28 November 2011. However, in a letter dated 27 November 2011, the attorney stated that he would be unable to attend the hearing due to illness, and requested that a decision be made in his absence based on the papers on file. The letter provided further argument in support of the extension request as well as additional argument as to why the applicant and

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<sup>1</sup> A discretionary two-month further extension to the r30 compliance period that expired on 18 July 2011 would run until 19 September 2011 because the 18 September 2011 was a Sunday, a non-working day.

their attorney considered that the application was in order when the as-of-right extension to the compliance period expired on 18 July 2011.

- 21 It falls to me to decide, from the papers on file, whether the comptroller's discretion under rule 108(3) may be exercised to allow the compliance period to be further extended from 18 July 2011 to 19 September 2011.

### **The Relevant Law**

- 22 The regime for acquiring extensions of time to prescribed periods is set out in rule 108 of the Patents Rules 2007 and Schedule 4 to those Rules. For the purposes of this decision, it is sufficient to note that the compliance period (as prescribed in rule 30) is listed in Parts 2 and 3 of Schedule 4. The relevant parts of rule 108 read:

[...]

*(2) The comptroller shall extend, by a period of two months, any period of time prescribed by the provisions listed in Part 2 of Schedule 4 where—*

*(a) a request is filed on Patents Form 52;*

*(b) no previous request has been made under this paragraph; and*

*(c) that request is filed before the end of the period of two months beginning with the date on which the relevant period of time expired.*

***(3) The comptroller may, if he thinks fit, extend or further extend any period of time prescribed by the rules listed in Part 2 of Schedule 4 where—***

***(a) a request is filed on Patents Form 52; and***

***(b) the person making the request has furnished evidence supporting the grounds of the request, except where the comptroller otherwise directs.***

[...]

*(6) An extension may be granted under paragraph (1) or (3) notwithstanding the period of time prescribed by the relevant rule has expired.*

*(7) But no extension may be granted in relation to the periods of time prescribed by the rules listed in Part 3 of Schedule 4 after the end of the period of two months beginning immediately after the period of time as prescribed (or previously extended) has expired.*

***[My emphasis added]***

### **Analysis & Argument**

- 23 In considering whether or not to exercise the discretion of the comptroller to extend the compliance period, I will first examine what are the requirements of

rule 108(3) and then consider if these requirements have been met. If necessary, I will then go on to consider what are the circumstances under which discretion to extend the compliance period can be exercised and whether or not, on the basis of the papers that are available to me, I can exercise discretion in favour of the applicant to allow the requested extension.

*The requirements of rule 108(3)*

24 From a consideration of the rule as written, it is my view that rule 108(3) has three requirements:

- (i) a completed F52 as referred to in part (a) of this rule;
- (ii) grounds for the discretionary extension request, as referred to in part (b) of the rule; and
- (iii) evidence in support of these grounds, also, as referred to in part (b) of the rule

25 The request by the applicant for a discretionary extension under rule 108(3) was made, in the first instance, in the attorney's letter dated 6 September 2011 which enclosed the required F52. As indicated above, while not explicitly stated in the letter, it was concluded that this was a request to further extend the compliance period to 19 September 2011. Examination of the F52 dated 6 September on file clearly shows that the extension sought is one under rule 108(3) as indicated by the entry in section 4 of the form. However, although the letter sent with this F52 referred to other matters, i.e. that the necessary fee was to be debited from the appropriate account and that the attorney was requesting a two month extension to the term for filing a reply to the outstanding examination report [under s117B(2)], no other materials were provided in support of the request for a discretionary extension to the compliance period.

26 The attorney was informed that their request could not be accepted in the official letter dated 16 September 2011 (copy sent by email on 15 September 2011). The examiner stated that the extension request could not be accepted because no reasons had been furnished in support of the request.

27 In their email of 15 September 2011, the attorney stated the following in response to the official letter :

"I note that you are seeking a reason for the extension of the period for putting this application in order. **The reason is an administrative error on our part. When the period for putting this application in order was first extended (as of right), the extended term for putting this application in order was re-diaried incorrectly for 12 months and not 2 months, and we only identified this oversight when replying to the Examination Report, at which time we immediately filed the further Patents Form 52.** The intention of the applicant has always been to pursue this application."

**[My emphasis]**

28 In the examiner's letter in response, dated 19 September 2011, the attorney was informed that the request for a discretionary extension to the compliance period

had not been accepted. The main points raised by the examiner in that letter can be summarised as follows:

- (i) The outstanding objections raised in the third examination report required only minor amendment. Furthermore, an allowable form of claim 1 had already been agreed by telephone on 20 December 2010. Therefore the amendments required should not have imposed a significant time burden on the attorney.
- (ii) The prosecution of the application has been delayed at each stage of the process by the continual requesting of as-of-right extensions of time.
- (iii) The shortened response period of two weeks set for the third examination report, dated 22 June 2011, should have provided an alert that the compliance period was about to expire.
- (iv) Overall there has been a lack of diligence in dealing with the case which has resulted in expiry of the compliance period before the application was in order for grant.
- (v) An administrative error is not considered to be a valid reason for requesting a discretionary extension.

29 In the letter of 19 September 2011 requesting a hearing, the attorney provided arguments in support of the extension request as follows:

“Inter alia, we believe that the examiner is applying the provisions of r108(3) improperly, insofar as the applicant intended for the application to proceed and the failure to reply to the last Examination Report ahead of expiry of the extended r30 period was unintentional; this being a consequence of the extended r30 period being diaried incorrectly, causing the late filing of the further Patents Form 52. The alternative would be to make an application under s20A, and it is not believed that the test applied under the provisions of r108(3) should be applied differently (as set out in the [*Manual of Patent Practice*]).”

30 Prior to the scheduled date of the hearing the examiner issued a further letter dated 17 October 2011, summarising the issues to be decided. While this letter mainly reflected the arguments outlined in the examiner’s letter of 19 September 2011, it is pertinent to note the following particular points also raised by the examiner:

- (i) No reasons for the extension and no evidence supporting the grounds for the request were provided when the F52 was filed on 6 September 2011. The reason provided with the email of 15 September 2011 was not considered to be strong enough to demonstrate that the failure to meet the time period was unintentional, particularly as there was no evidence filed supporting the claim of an incorrect diary entry.
- (ii) By providing a hard copy of claims that differed from those filed by fax on 20 November 2010, the prosecution of the application was delayed unnecessarily. In addition, the response to the third examination report did not address all outstanding matters, delaying the process further.

(iii) The amendments filed on 19 September 2011 address all outstanding matters, such that if the further extension to the compliance period is allowed, the application would have been in order on the compliance date.

31 In the letter of 27 November 2011, notifying his inability to attend the scheduled hearing due to illness and requesting a decision on the papers, the attorney reiterated their arguments in support of the extension request, and provided the following additional observation:

“It is not seen how the prior prosecution history has any bearing; the test is one of intent at the relevant time (as set out in the [*Manual of Patent Practice*]), and not the former test of “due care”, which the Examiner appears to be attempting to employ.”

32 Having considered the letter from the attorney dated 6 September 2011 carefully, I consider that there is nothing in it that I can construe to be the ‘*grounds of the request*’ or to be ‘*evidence supporting the grounds of the request*’. Thus, the requirements of rule 108(3)(b) were not met and I agree with the examiner’s conclusion on this point as expressed in the official letter dated 16 September 2011.

33 However, in the email dated 15 September and the letter dated 19 September from the attorney on behalf of the applicant, I am satisfied that the attorney has provided a reason why they are seeking a discretionary extension to the period for putting the application in order - an administrative error on their part. The attorney states in the email dated 15 September that “*the term for putting this application in order was re-diaried incorrectly for 12 months and not 2 months*”. This led to the failure by the attorney to respond to the outstanding examination report dated 22 June 2011 before the end of the extended compliance period on 18 July 2011.

34 The consequence of this error would appear to be that the attorney was not aware that the as-of-right extension to the compliance period expired on 18 July 2011 and that they needed to respond to the outstanding examination report before this date. From a consideration of the correspondence on file, it is clear that the attorney in the normal course of events replies to an examination report at the end of the two month period following the reply date set by the examiner on the examination report. Thus in each response to an examination report, the attorney has chosen to request a two month as-of-right extension to the period for responding to the examination report. Such a possibility is available to the attorney under s117B of the Act and r109 of the Rules. See for example response from the attorney dated 20 November 2010 and that dated 13 June 2011.

35 However, in this instance, this practice meant that the attorney was responding on behalf of the applicant to the examination report dated 22 June 2011 outside the compliance period. The applicant was responding to this examination report on 6 September 2011 which was two months after the response date of 6 July 2011 set by the examiner and approximately six weeks after the end of the as-of-right extension to the compliance period. The short two week response period set by the examiner was due to the imminence of the compliance date and still left two weeks for the applicant and their attorney to respond to this examination

report before the compliance period expired. I find it hard to believe that such a short response period, approximately two weeks, would not have been noted at the attorney's, given that response periods for examination reports are normally set for a number of months.

36 The preparation of the response to this examination report is the event which, according to the email dated 15 September, led the attorney to realise that there had been an error in recording the new compliance date for this case arising from the extension under rule 108(2). However, I note that the initial response dated 6 September from the applicant made no reference to this error or how it arose.

37 I am satisfied that the responses on behalf of the applicant, the email dated 15 September 2011 and the letter dated 19 September 2011, provide information regarding the grounds on which the discretionary extension is being sought which, as mentioned above, is one of the requirements under part (b) of rule 108(3). This is in contrast to the letter from the attorney dated 6 September 2011. I consider that these responses comprise statements that an error happened and so fulfill the requirement to provide grounds, or as the examiner expressed it, reasons for the request. However, I do not consider that these statements can be considered to meet the requirement to '*furnish evidence supporting the grounds of the request*' which is also a requirement of rule 108(3). I have examined the correspondence in detail including the further response from the attorney on behalf of the applicant on 27 November 2011 asking for the decision to be made from the papers on file. I am unable to identify anything in any of these responses which I consider as evidence in support of the grounds for the discretionary extension request. Other than the statement in the email of 15 September (see paragraph 27 above) which is identical to the statement in the letter from the attorney dated 27 November 2011, there are no other details or information provided regarding the circumstances of how the error occurred. For example, there is no information regarding what the normal procedure was and how it went wrong, there is nothing to show the incorrect diary entry.

38 There is nothing in the papers on file to suggest that the applicant or their attorney were unaware of the need to provide grounds for and evidence in support of their request for a discretionary extension under rule 108(3). They correctly identified the basis under which the further extension under rule 108(3) was being requested in F52 dated 6 September 2011. Thus I am satisfied that the attorney was aware of rule 108(3) and its requirements. These are clear from the text of the rule itself, as well as on the notes that are printed on the F52 itself. These are reproduced below:

"Notes

a) *This Form is used either:*

*(i) to request a two month extension (where no such request has been made previously) to a time period prescribed by the rules listed in part 2 of Schedule 4 of the Patents Rules, or;*

*(ii) to request the comptroller to otherwise extend (or further extend) a time period prescribed by the rules listed in part 2 of Schedule 4 of the Patents Rules.*

*Where the request is made under (ii) above you must send evidence supporting the grounds for the request either with this form or as soon as possible afterwards (unless the Office otherwise directs)."*



For the avoidance of doubt there are no circumstances in this case where the Office has directed that there is no need to provide evidence (as is referred to in the final part of the text within the brackets).

- 39 I note also that the examiner indicated to the applicant the need to provide reasons for requesting the extension in her letter of 16 September 2011 and, in the letter dated 11 October summarising the issues to be resolved at the hearing, the examiner indicated that the absence of evidence in support of the reason for the request was such an issue.
- 40 While I fully accept, that it is at the discretion of the applicant and their attorney to decide what material to provide as evidence in support of the grounds for their request, I am satisfied that some evidence must be provided in support of the request. It is then at the discretion of the comptroller to decide if the material provided is sufficient to fulfill this requirement. It is not enough, in my view, to provide a statement asserting what happened, as in this case, without providing some additional material indicating how, and in what circumstances, the event, in this case an administrative error, occurred.
- 41 Taking account of all of the above, I find that no evidence was provided by the applicant and their attorney in support of the request under rule 108(3).

*Relevance of Prosecution History & the Underlying Intention to Proceed*

- 42 As outlined above, in the official letter dated 19 September 2011 and in the pre-hearing report dated 17 October 2011, the examiner made reference to how the applicant and their attorney had prosecuted this case and considered that this was relevant for the purposes of deciding whether or not discretion should be exercised to allow an extension to the compliance period.
- 43 The attorney has pointed out on a number of occasions that they consider that the prosecution history of the case is not relevant. They refer, in particular, to the fact that the examiner is failing to apply the provisions of rule 108(3) correctly. This argument is summed up in the attorney's letter dated 27 November 2011:

"As set out previously, we believe that the Examiner is applying the provisions of r108(3) improperly insofar as the applicant intended for the application to proceed and the failure to reply to the last Examination Report ahead of expiry of the extended r30 period was unintentional; this being a consequence of the extended r30 period being diaried incorrectly, causing the late filing of the further Patents form F52. It is not seen how the prior prosecution history has any bearing; the test is one of intent at the relevant time (as set out in the [*Manual of Patent Practice*]), and not the former test of "due care", which the Examiner appears to be attempting to employ.

Once our request has been decided and the cause for non-compliance removed, we could then make an application under s20A, which expressly recites that the test for re-instatement is that failure to comply was unintentional. It is not understood how the test under r108(3) should be different to that under s20A, albeit that the provisions of r108(3) have to be exhausted prior to making an application under s20A".

- 44 The *Manual of Patent Practice* provides guidance in paragraph 123.37 on the circumstances under which the comptroller's discretion may be exercised to

award a discretionary extension of time under rule 108(3), and this is reproduced in full below:

***In order for discretion to be exercised favourably, as a general rule the failure to meet the time period must have been unintentional at the time that the period expired. This is consistent with the statutory test that applies to requests for reinstatement under s.20A (see 20A.13-16 for guidance on the meaning of unintentional). However, since rule 108 sets out no statutory test for discretionary extensions of time, discretion may be exercised favourably in appropriate circumstances even if the unintentional criterion does not appear to have been met. Prior to the introduction of the reinstatement provisions under s.20A, a number of cases were decided on the basis that there must have been a continuing underlying intention to proceed with the application or patent; a change of mind regarding whether to proceed on the part of those responsible for its prosecution was held in Heatex Group Ltd's Application ([1995] RPC 546) not to be a legitimate reason for favourable exercise. In Meunier's International Application (BL O/013/01), the applicant had chosen to acquire patent protection in the UK via an EP(GB) designation of his international application, rather than by continuing with a GB designation and national phase entry. When it was discovered that, by mistake, EP(GB) had not been designated, a request for the application to belatedly enter the national phase directly was refused by the hearing officer, who regarded this as a change of mind, despite a continuing underlying intention on the part of the applicant to protect his invention in the UK. In a broadly similar set of circumstances, the hearing officer in Pilat's International Application [2003] RPC 13 came to the same conclusion. In MacMullen's Application (BL O/307/03), the hearing officer held that in order to demonstrate a continuing underlying intention to proceed with an application where a form and required fee had not been filed within the prescribed period due lack of funds, it was necessary for the applicant to show that he had insufficient funds to pay the fee and that he made genuine and continuing efforts to obtain the required sum during this period. These cases may also be useful in determining whether discretion can be exercised favourably. However, in order to ensure consistency with the reinstatement provisions, if the evidence provided shows that the failure to meet the time period was unintentional, discretion must be exercised favourably regardless of whether or not there has been a continual underlying intention to proceed.***

***[My emphasis]***

- 45 This paragraph of the *Manual* suggests that primary consideration should be given to whether the failure to meet the time period was unintentional. However, it also states that discretion may be exercised favourably in appropriate circumstances even if the unintentional criterion does not appear to have been met, suggesting that in such cases guidance may be taken from previous cases decided on the basis that there must have been a continuing underlying intention to proceed. In short, to my mind the *Manual* suggests that discretion must be exercised favourably where the failure was unintentional, but may be exercised favourably in other circumstances as long as there has been a continuing underlying intention to proceed.
- 46 While statements in the *Manual* are not binding on me or the examiner, they are to be regarded as highly persuasive, as they set out the Office's settled practice or view on any particular point.
- 47 The attorney states that the applicant always intended to proceed with this application and the fact that they failed to reply to the third examination report

dated 22 June 2011 was unintentional on their part. The applicant and their attorney also point to the fact that, if the examiner's assessment was upheld, they would make an application for reinstatement under Section 20A and under the practice and case law relevant to this section of the Act, discretion would have to be exercised in favour of the applicant.

- 48 I have some sympathy with the view that the examiner has made too much of the prosecution history in this case. On closer examination of the correspondence on file, it is clear that the applicant has made full use of the option available to them under Section 117B(2) to have an as-of-right extension to all reply dates on official correspondence such as examination reports. While this may have the effect that the application takes a longer period of time to progress to grant, it does not alter the fact that the application is still being progressed so one cannot avoid the conclusion that the applicant is still demonstrating the intention to proceed.
- 49 Also, it would appear, on the basis of the faxed manuscript amendments filed in response to the first examination report dated 18 May 2010 and the following telephone call from the examiner, where it was indicated that the proposed amendments would overcome the outstanding objections, subject to the formal filing of hard copies, the application could have been put in order for grant, at least in the view of the examiner, as early as December 2010 or January 2011. However, the applicant chose to file a different set of amendments on 14 February 2011 which, as indicated above, did not put the application in order. While I appreciate that this may have been a source of frustration for the examiner, I have to accept that it is for the attorney, working with the applicant, to decide how to amend the application in suit and how to respond to the reports and objections raised by the examiner. It is thus not unreasonable for the attorney and the applicant to decide to amend their application in a different way if they consider that is appropriate, so long as the application is still within the compliance period.
- 50 However, the impact of all of this is that the applicant and the attorney failed to take account of when the compliance period expired. It would appear that the applicant failed to appreciate the significance of the examiner setting such a short response time to the third examination report dated 22 June 2011. Instead, they assumed that they would have a two month reply period and an additional two months as of right to respond to this examination report.
- 51 However, in my view, whether or not there was an underlying intention to proceed is not the key issue in this case. As I have indicated above, the determining factor in this case is that I find that no evidence was provided by the applicant and their attorney in support of the request for a discretionary extension to the compliance period under rule 108(3). In the absence of such evidence, I am unable to exercise discretion in favour of the applicant to grant the requested extension to the compliance period.
- 52 It appears to me that the applicant has mis-understood the relevance of Section 20A and its impact on rule 108(3) in the context of this case. The failure in this instance is not one that leads, as a direct consequence, to the patent application being refused. It was not, as the applicant states, the failure to reply to the

examination report or, indeed, the late filing of the second F52, it is the failure to fulfill the requirements of rule 108(3) as discussed above. In my view the applicant had a number of opportunities to address this point and did not do so. The consequence of this failure is that the compliance period will not be extended and so the amendments filed on 19 September 2011 were filed out of time after the end of the compliance period and so cannot be accepted.

- 53 While it may well be relevant for me to bear in mind the need to be consistent with the re-instatement provisions when considering the exercise of discretion, I cannot do so if I do not have any evidence to support the request to exercise discretion in the first place.

### **Conclusion**

- 54 Taking account of all of the above, I conclude that the request for an extension to the compliance period under rule 108(3) cannot be allowed given the lack of any evidence in support of this request. I consider that the applicant and their attorney had a number of opportunities to meet all the requirements of this rule but they failed to do so. As a consequence, the request to extend the compliance period to 19 September 2011 is refused. The compliance period for application GB0608098.0 thus expired on 18 July 2011.

- 55 As a consequence, the amendments filed by the applicant and their attorney on 6 September 2011 and those filed on 19 September 2011 were filed out of time, i.e., after the end of the compliance period and so cannot be accepted.

- 56 I note that the examiner considers that the claims on file, dated 15 June 2011, when the extended compliance period expired on 18 July 2011 lacked clarity and support as indicated in the official examination report dated 22 June 2011. The applicant and their attorney disagreed and indeed, re-emphasised this point in their letter dated 27 November 2011, as follows:

“In addition as also set out previously, we believe that the specification as currently on file, i.e. before the latest, filed amendments, which apparently cannot be entered absent the extension under r108(3), is in order for allowance

The inference I draw from this is that the applicant and their attorney believe that this application was actually in order when the extended r30 period expired on 18 July 2011.

- 57 Although the applicant has expressed the above view, the question of whether, or not, the application was in order when the extended rule 30 period expired on 18 July 2011 was not an issue that fell to me to decide in this instance. However, in light of my decision above that the request for a discretionary extension to the compliance period for this application under rule 108(3) is refused, I remit this application to the examiner so that this outstanding issue can be considered.

## **Appeal**

- 58 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

**DR L CULLEN**

Deputy Director acting for the Comptroller