



THE PATENTS ACT 1977
(THE PATENTS RULES 2007)

CLAIMANT Xtratherm Limited

ISSUE Application under section 72 for
revocation of UK Patent GB2432555
in the name of Kingspan R&D Limited

HEARING OFFICER H Jones

DECISION

Introduction

- 1 This decision relates to an application under section 72(1) by Xtratherm Limited for revocation of UK patent GB2432555 in the name of Kingspan R&D Limited. The patent relates to a method for manufacturing a rigid polymeric insulating foam board and was granted on 20 October 2010. As set out in the claimant's amended statement dated 3 April 2014, revocation is being sought on the grounds that claims 1 to 16 of the patent lack novelty and/or inventive step with regard to various documents identified in the amended statement and also that subject matter disclosed in the specification of the patent extends beyond that disclosed in the application as filed.
- 2 The patentee was invited to file a counterstatement but did not do so. Therefore, in accordance with rule 77(9), the comptroller must treat the patentee as supporting the claimant's case.

Case for revocation

- 3 The claimant states that claim 1 of the patent lacks novelty in light of the teachings of the patentee's earlier Irish patent application (IE2001/0328) published on 25 June 2003. More specifically, claim 1 of IE2001/0328 explicitly recites all the features of the method for manufacturing set out in claim 1 of the patent except for the residence time of 30 seconds in which the boards remain within the curing station. The claimant points to the description at page 6, lines 15-17 of IE2001/0328 which says that the "insulating tunnel allows the foam forming reaction to proceed to completion...prior to cutting", and states that a person skilled in the art would be aware that it would take well in excess of 30 seconds for the foam board to cure under the conditions described in the specification of the patent. As a consequence, when IE2001/0328 says that the foam forming reaction has proceeded to completion while in the curing station prior to cutting, the foam board must have been in the curing station for at least 30 seconds.

- 4 Claim 1 of the patent further requires the foam board to be cooled in a cooling station after being cut to length and before any in-line trimming. The claimant points to various parts of the description of IE2001/0328 (namely, page 5, lines 1-2, page 6, lines 9-10 and page 7, lines 10-11), which describe the foam board being cooled in ambient air after being cut and before being trimmed, thus satisfying this particular requirement of claim 1.
- 5 I am satisfied that the invention as claimed in claim 1 of the patent lacks novelty over the teaching of IE2001/0328. In the absence of any comment to the contrary from the patentee, I find that at least one ground for revocation of the patent has been made out and that this is sufficient for revocation to proceed.

Order

- 6 I order that UK patent GB2432555 be revoked.

H Jones

Deputy Director acting for the Comptroller