

PATENTS ACT 1977 (THE PATENTS RULES 2007)

CLAIMANT Ian Dennis Thirkell

DEFENDANT WTL Technologies Ltd

ISSUE Reference under section 37 and

applications under section 13(3) and rule 10(2) in respect of GB2502133

HEARING OFFICER H Jones

Decision off the papers

DECISION

Background

- 1 UK patent application GB2502133 was applied for in the name of WTL Technologies Limited and names Len Maxwell as the sole inventor.
- Ian Dennis Thirkell has made an application under section 13(3) of the Patents Act 1977 ("the Act") to the effect that Len Maxwell should not be mentioned as inventor, together with a further application under rule 10(2) of the Patents Rules 2007 ("the Rules") to the effect that he should have been named as sole inventor in Mr Maxwell's place. Mr Thirkell has also filed a reference under section 37 of the Act requesting that he be named as sole proprietor of the patent.
- WTL Technologies Limited has confirmed in writing that it consents to Ian Dennis Thirkell being named as sole inventor. Mr Thirkell has withdrawn his reference to entitlement under section 37 and WTL Technologies Limited has agreed by way of assignment to a change in proprietor from WTL Technologies Ltd to Applied Microcurrent Technology Limited.

Conclusion

It is clear from the papers that the parties agree that Ian Dennis Thirkell should be named as sole inventor in the patent application and that Len Maxwell should be removed as an inventor. I see no reason in law why the Comptroller should not accept that this is the correct outcome.

Order

Accordingly I find that Ian Dennis Thirkell is entitled to be named as sole inventor of patent number GB2502133. I direct that the register of patents be updated and an

addendum slip be prepared mentioning him as sole inventor for the published patent application to reflect this finding.

H Jones

Deputy Director acting for the Comptroller