

**THE PATENTS ACT 1977**  
(THE PATENTS RULES 2007)

CLAIMANT

Nexans SA

ISSUE

Application under section 72 for  
revocation of EP(UK)1588387 in the  
name of Prysmian S.p.A.

HEARING OFFICER

H Jones

---

**DECISION**

- 1 This decision relates to an application made by Nexans SA (“the claimant”) under section 72(1) of the Patents Act for revocation of EP patent EP(UK)1588387. The patent relates to recyclable covering layers for electrical cables and stands in the name of Prysmian S.p.A. (“the patentee”).
- 2 Revocation of the patent is sought on the grounds that the invention to which the patent relates is not a patentable invention (section 72(1)(a) of the Act), specifically it is not novel and does not involve an inventive step; and the specification does not disclose the invention clearly and completely enough for it to be performed by a person skilled in the art (section 72(1)(c) of the Act). The facts and arguments relied upon in support of the claimant’s application were set out in detail in its statement of grounds.
- 3 The patentee has confirmed that it does not intend to file a counter-statement in response and wishes to note that it did not receive pre-action correspondence from the claimant prior to the launch of the proceedings. The patentee also wants to place on public record the following points:
  - Prysmian does not believe that it is likely that it will have cause to assert the patent in the UK against any person prior to the expiration of the patent and therefore has no commercial interest in defending these proceedings in the UK.
  - Prysmian S.p.A. and Nexans SA are currently engaged in litigation before the Milan IP specialised court in respect of the Italian designation of the patent. Prysmian maintains that both designations of the patent are valid and that all arguments and prior art opposed by Nexans to the patent are ungrounded.

- 4 Based on the patentee's confirmation that it does not intend to file a counter-statement in these proceedings, the comptroller must now treat the patentee as supporting the claimant's case in accordance with rule 77(9) of the Patents Rules.

**Order**

- 5 I order that patent number EP(UK)1588387 be revoked.

**Costs**

- 6 Although the claimant has asked for an award of costs in its favour and the patentee has been taken to support such an award in accordance with rule 77(9), I see no reason to make such an award based on the standard scale given that the matter has been decided so early in proceedings.

**H Jones**

Deputy Director, acting for the Comptroller