

Mrs Wilson

3642

PATENTS ACT 1977

IN THE MATTER OF an application
under Section 13(1) by David McNaughton
Neal Croxford and Christopher Frederick
Parsons in respect of Patent Application No
2258948 in the name of W L Gore &
Associates (UK) Limited

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DECISION

Patent Application No 9215092.9 was filed on 16 July 1992 in the name of W L Gore & Associates (UK) Limited ("Gore"), claiming priority from application No 9115641. The application was published on 24 February 1993 under Serial No GB 2258948A. The published application named Hugh MacPherson as sole inventor.

Application under section 13(1) of the Patents Act 1977 was made on 29 November 1993 by David McNaughton, Neal Croxford and Christopher Frederick Parsons declaring that they were joint inventors of the invention which is the subject of the patent application in suit and accordingly had a right to be mentioned as such in accordance with the terms of section 13(1).

The application was accompanied by certified copies of two assignments of the property of the invention which is the subject of the patent application in suit to Gore. The first assignment is by David Naughton dated 26 August 1993. The second is by Neal Croxford and Christopher Frederick Parsons and by Lumonics Limited dated 11 November 1993.

A statement under rule 14(1) was subsequently filed on 24 December 1993. This stated:

"1. The Protective Sheath which is the subject of this Patent Application was the result of a joint project involving the applicants, W L Gore & Associates (UK)

Limited (Gore), and Lumonics Limited (Lumonics), of Cosford Lane, Swift Valley, Rugby, Warwickshire, CV21 1QN, England.

2. The project involved a number of individuals employed by Gore and Lumonics, including Hugh MacPherson and David McNaughton, both employees of Gore, and Neal Croxford and Christopher Frederick Parsons, both employees of Lumonics.

3. The preparation and filing of a Patent Application directed to the Protective Sheath was co-ordinated by Hugh MacPherson, resulting in UK Patent Application No GB 9115641.4 being filed on 19 July 1991.

4. A subsequent UK Patent Application No GB 9215092.9 was filed on 16 July 1992, claiming priority from GB 9115641.4, the papers filed therewith including a Form 7/77 identifying Hugh McPherson as the sole inventor of the Protective Sheath.

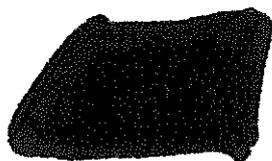
5. In a subsequent review of the Patent Application by Gore and Lumonics it was agreed that the contributions of David McNaughton, Neal Croxford and Christopher Frederick Parsons were such that they were entitled to be named as co-inventors of the Protective Sheath, together with Hugh MacPherson".

In accordance with rule 14(2), copies of the application under section 13(1) and the assignments were sent to Gore and to Hugh MacPherson under cover of official letters dated 10 December 1993. The statement was subsequently sent with further letters dated 17 January 1994.

In a letter dated 25 January 1994, the agent for Gore stated that their clients did not wish to oppose the application. Hugh MacPherson has not entered opposition to the application as allowed under rule 14(3). In the absence of any opposition, I am satisfied that David McNaughton, Neal Croxford and Christopher Frederick Parsons are joint inventors of the invention which is the subject of the patent application in suit and therefore have a right to be mentioned as such in accordance with the terms of section 13(1).

I accordingly direct under rule 14(5) that David McNaughton, Neal Croxford and Christopher Frederick Parsons will be mentioned as inventors with Hugh MacPherson in any patent granted for the invention and that an addendum slip mentioning them as inventors be prepared for the published application of the patent.

Signed this 23rd day of June 1994

A large, solid black rectangular redaction mark covering the signature of Leslie Lewis.

LESLIE LEWIS

Principal Examiner, acting for the Comptroller



THE PATENT OFFICE