

PATENTS ACT 1977

IN THE MATTER OF

an application under section 72

by Balmoral Group Limited for revocation

and an application under section 27

by Norsk Hydro AS for amendment

of European Patent (UK) No 0259373

DECISION

1. In a preliminary decision dated 7 August 1996, I found that the application under section 27 should be treated as withdrawn. I also decided certain procedural issues in the section 72 proceedings and set a timetable for the filing of evidence. I deferred consideration of costs in both the section 27 and the section 72 proceedings.

2. The section 72 proceedings continued until the applicants stated, in a letter dated 21 November 1997, that they withdrew unconditionally their application under section 72. As is usual in such circumstances, the Comptroller then considered whether he should pursue the matter of revocation further in the public interest.

3. The proprietors had proposed unconditional amendments on 22 June 1995 during the course of the section 72 proceedings, and the Office reported in an official letter the examiner's opinion that those amendments were not allowable. Revised amendments were proposed in the proprietors' letter of 16 April 1999 and these are shown in a copy of the printed specification annexed to this decision. They are a more restrictive form of the amendments proposed on 22 June 1995 which were advertised without any notice of opposition to them being filed.

4. I am satisfied that the revised amendments are such as may lawfully be made in these proceedings and, having considered the objections which had been raised by the applicants for revocation, I decide to allow the specification to be amended in the manner shown in the annexed copy of the printed specification and make no order for revocation of the patent.

5. Both sides have indicated that they are not now seeking costs and, accordingly, I make no order for the award of costs either in the section 27 proceedings or in the section 72 proceedings.

Dated this 4th day of June 1999

S N DENNEHEY

Divisional Director, acting for the Comptroller

THE PATENT OFFICE