

## PATENT ACT 1977

IN THE MATTER OF  
Patent Application No GB 0123911.0  
in the name of Ford Motor Company

### DECISION

- 1 Application No GB 0123911.0 entitled "A Method for Creating Items" was filed on 4 October 2001 in the name of Ford Motor Company. The application was accompanied by a Form 9/77 requesting preliminary examination and search, together with the prescribed fee.
- 2 The application was referred in the usual way to an examiner. After a preliminary consideration of the application, the examiner took the view that it related to a method of doing business, and was thus not patentable under section 1(2)(c) of the Patents Act 1977 ("the Act"). The examiner did not search the application, but instead issued an examination report under section 18(3), dated 26 February 2002. This procedure follows from the decision of the Assistant Comptroller in *Rohde and Schwartz's Application* [1980] RPC 155 where he held that objections could be raised under s18(3) at any time, even though no request for substantive examination has been filed and regardless of whether the other requirements of section 18(1) are met.
- 3 The examiner's report gave the view that because the application related to a method in which items are built according to a schedule which is based upon the location to which the items are to be transported, the method embraced a purely organisational and managerial activity of a manufacturing industry, and was thus excluded under the Act as a scheme for doing business. The report gave the applicant six months in which to reply with observations, or to request a hearing, and also indicated that if the application were withdrawn then a refund of the F9/77 fee would be made.
- 4 No response was received within the specified period, and the examiner telephoned the agent representing the applicants to give a reminder that a response was outstanding. This was followed by a further letter from the examiner, on 16 September 2002. The letter warned that as no response had been received to the report under section 18(3) the examiner was minded to refuse the application. The letter further gave the applicant one month in which to request to be heard, and made clear that if no response was received within the time limit set then the application would be passed to a senior official for a decision.
- 5 No observations has been received, nor has a request to be heard been submitted, and the application has come to me to decide whether it should be refused.
- 6 I have reviewed the papers on the file of this application and have come to the same conclusion as the examiner, that is that the application relates to a method of doing business, and thus does not comply with the requirements of section 1(2)(c) of the Act. The applicant has failed to satisfy the comptroller otherwise, and I therefore refuse this

application.

- 7 No search has been carried out on this application, and I will take steps to ensure that the fee paid on F9/77 is refunded.
- 8 Since this decision is on a substantive matter, any appeal must be lodged within six weeks of the date of this decision.

Dated this      day of December 2002

MRS PAT EVERETT  
Deputy Director, acting for the comptroller

**THE PATENT OFFICE**