

PATENTS ACT 1977

IN THE MATTER OF a reference
under section 37 by Warren Hooker
Rehab 2001 in respect of patent
numbers 2156210, 2282062 and
2307532 in the name of
Christopher John Hooker

DECISION

Introduction

1. This reference under section 37 concerning entitlement to patent numbers 2156210, 2282062 and 2307532 (hereafter “the patents”) was filed on 16 May 2002. For the purposes of this decision, I need give only a brief summary of the background issues.
2. Christopher John Hooker is named as an inventor and as the proprietor of the patents. He was a director of a company, Warren Hooker Rehab Limited, which manufactured under the patents, but subsequently went into liquidation. In an agreement dated 11 April 2001, Warren Hooker Rehab Limited sold certain assets to the claimant. It is in dispute as to whether or not under this agreement rights in patent number 2156210 were transferred to the claimant. However it became clear during the course of proceedings that the reference in respect of the other two patents, numbers 2282062 and 2307532 (hereafter “062 and 532”) stands unopposed. This decision relates solely to 062 and 532.
3. It was proposed in an Official letter dated 7 January 2003 that the reference in respect of 062 and 532 be dealt with forthwith by a finding to the effect that the claimant is the true proprietor of the patent and a simple order to the effect that the defendant transfer proprietorship thereof to the claimant. This proposal has not been opposed by either side.

Order

4. **I therefore find as above and order Christopher John Hooker to transfer proprietorship of patent numbers 2282062 and 2307532 to Warren Hooker Rehab 2001.**

Costs

5. Both sides are content not to pursue the question of costs in respect of this reference insofar as it relates to 062 and 532, and I therefore make no order as to costs.

Appeal

6. The following paragraphs relate to appeal provisions, although it is probable that they are of academic significance only since the parties are not in dispute over the issues

addressed by this decision.

7. As this decision does not relate to a matter of procedure, under the current Practice Direction 49E to Part 49 of the Civil Procedure Rules, any appeal must be lodged within six weeks. That is a prescribed period which I do not have the power to alter of my own volition. However, on 1 April 2003 the new Part 63 to the Civil Procedure Rules will come into force and the appeal period will in consequence reduce by default to the 14 days specified in Part 52 of the Rules (rule 52.4). This will have the effect of curtailing the period for appealing the present decision, so although that nominally stands at 6 weeks now, it will effectively expire on 31 March 2003.
8. From 1 April 2003 the comptroller will no longer have the power to extend appeal periods. An application for extension will instead have to be made to the court. However, the Patents Court has made clear that, unless there are special circumstances, they will look sympathetically on any request to extend to its original length an appeal period which gets truncated by the coming into force of Part 63.

Dated this 20th day of February 2003.

DAVID BARFORD
Deputy Director, acting for the Comptroller

THE PATENT OFFICE