

PATENTS ACT 1977

IN THE MATTER OF

a reference under section 37

by AFT Atlas Fahrzeugtechnik GmbH

in respect of patent number 2136492

DECISION

1. This reference was filed on 27 June 2003 by AFT Atlas Fahrzeugtechnik GmbH (hereafter "AFT") in respect of patent number 2136492. AFT is registered as sole proprietor of the patent and Ralf Magiera and Christof Howold are named as inventors.
2. In its statement under rule 54(1) (amended as at 21 July 2003), AFT states that Peter Schimmelpfennig and Wolfgang Gutbrod, employees of Conti Temic microelectronic GmbH (hereafter "Conti"), were joint inventors with Magiera and Howold; and that in consequence Conti should be named as joint proprietors with AFT. AFT also requests that Schimmelpfennig and Gutbrod be named as inventors in addition to Magiera and Howold.
3. In accordance with rule 54(1) the reference and amended statement were copied on 4 August 2003 to Conti and to Magiera, Howold, Schimmelpfennig and Gutbrod inviting them to file a counter-statement should they wish to oppose the reference. No responses were received within the period set by the Office and so a further letter was issued on 13 October 2003 indicating that the reference was to be treated as unopposed subject to any comments received. Since no responses were received to this further letter within a further period set by the Office, and in the absence of any counter-statement, I consider the reference unopposed.
4. I find therefore that Conti Temic microelectronic GmbH are jointly entitled to the patent with AFT Atlas Fahrzeugtechnik GmbH and I direct that the register be amended accordingly.
5. AFT has also requested that the two further inventors be named. Section 13 deals with questions concerning the mention of inventors. Although no formal application has been made under that section, a finding in accordance with the request seems to me to be appropriate in the light of the circumstances set out above.
6. I find therefore that Peter Schimmelpfennig and Wolfgang Gutbrod should be mentioned as joint inventors in the patent along with Ralf Magiera and Christof

Howold. I also direct, in accordance with rule 14(5) that an addendum for the granted patent should be prepared accordingly.

7. Any appeal against this decision must be filed within 28 days.

Dated this 24th day of December 2003.

DAVID BARFORD

Deputy Director, acting for the Comptroller

THE PATENT OFFICE