



BL O/075/04

24 March 2004

PATENTS ACT 1977

BETWEEN

Denso Corporation

Claimant

and

NGK Spark Plug Co Ltd

Defendant

PROCEEDINGS

Application under Section 72 for revocation of
European patent (UK) no.0575163

HEARING OFFICER

P Hayward

DECISION

- 1 In response to an application by Denso Corporation for European patent (UK) no.0575163 to be revoked, the patentees, NGK Spark Plug Co Ltd, filed amendments to the specification in an attempt to meet Denso's grounds for revocation. In my earlier decision dated 28th October 2003, I refused NGK's preferred amendments, but said I was prepared to allow some alternative fall-back amendments they had submitted subject to suitable consequential amendment of the description.
- 2 NGK duly filed a further set of amendments with their Agent's letter dated 17th November 2003, comprising new claims 1 to 5 to replace all of the claims as granted, and corresponding amendments to the description to be inserted between column 1, line 36 and column 2, line 47 of the specification of the patent as granted. There was a slight inconsistency between the wording of claim 1 and the version of the fall-back amendments originally filed by NGK on 25th May 2002. NGK were informed of the discrepancy and subsequently filed a replacement set of amendments with their letter dated 23rd January 2004.
- 3 The amendments now proposed, therefore, are those accompanying the letter dated 23rd January 2004 from NGK's agents, J A Kemp & Co. These amendments are in accordance with my previous decision, and Denso have not objected to them. As I indicated in my previous decision, I do not feel any further advertisement is called for. Accordingly I allow these amendments.

Costs

- 4 The costs for the proceedings up to the substantive hearing have been dealt with in my previous decision. Denso has not sought additional costs in connection with this further amendment and indeed I would be surprised if they had incurred any significant further costs. Accordingly I make no further order for costs.

Appeal

- 5 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

P HAYWARD

Divisional Director acting for the Comptroller