



BL O/257/05

5th October 2005

PATENTS ACT 1977

PARTIES Edscha AG & Adam Opel AG

ISSUE Reference filed under section 37 in respect of
patent numbers EP (UK)1178913,1178914,
1178917, 1178918 and 1187754

HEARING OFFICER S M Williams

DECISION

Background

- 1 European patent (UK) Nos 1178913, 1178914, 1178917, 1178918 and 1187754 proceeded to grant in the name of Edscha AG. Patent numbers EP (UK) 1178913 and 1178914 named three inventors, Andreas Polz, Peter Schlegel and Jörg Schneppenheim; EP (UK) 1178917 named two inventors, Peter Mrowka and Andreas Polz; EP (UK) 1178918 named Andreas Polz as sole inventor, and EP (UK) 1187754 named three inventors, Andreas Polz, Peter Schlegel and Heiner Nadstawek
- 2 On 21 April 2004, Laszlo Kreth and Ingo Renneisen made an application under section 13(1) of the Patents Act 1977 to the effect that they ought also to have been mentioned as joint inventors in each of the EP (UK) patents. Edscha AG and each of the named inventors confirmed in writing that Laszlo Kreth and Ingo Renneisen should have been named as joint inventors.
- 3 In a decision dated 23 August 2004, I found that Laszlo Kreth and Ingo Renneisen should be mentioned as joint inventors in each of the granted EP (UK) patents and directed that an addendum slip mentioning them as joint inventors be prepared for the granted patents for the invention.

Reference filed under section 37

- 4 A reference under section 37 of the Patents Act 1977 has now been filed by Adam

Opel AG. The claimants have asked the comptroller for an order that they are entitled to a share of the patent being the employer of Laszlo Kreth and Ingo Renneisen, the newly added inventors. In a letter dated 8 February 2005, the agents, Brookes Batchellor LLP acting on behalf of the claimants and Edscha AG, provided written consent to the reference on behalf of Edscha AG.

- 5 The Office wrote to the claimants on 14 June 2005 pointing out that although the current proprietors agreed that Adam Opel AG should be mentioned as joint patent proprietors, each of the named inventors needed to file consent if the reference was to proceed as uncontested.
- 6 In due course, each of the named inventors, including Laszlo Kreth and Ingo Renneisen, filed consent relating to each of the EP (UK) patents. I therefore conclude that the relevant parties agree that Adam Opel AG should be named as joint patent proprietors for patent numbers EP (UK) 1178913, 1178914, 1178917, 1178918 and 1187754.
- 7 Accordingly I find that Adam Opel AG should be mentioned as joint patent proprietors for patent numbers EP (UK) 1178913, 1178914, 1178917, 1178918 and 1187754, and direct that they be recorded as joint patent proprietors in the patents register. I also direct that addendum slips mentioning Adam Opel AG as joint patent proprietors be prepared for each of the EP (UK) patents.

S M WILLIAMS

B3 Head of Litigation Section, acting for the Comptroller