



BL O/296/05

3 November 2005

PATENTS ACT 1977

BETWEEN

Bio Pure Technology Limited

Claimant

and

(1) Jarzon Plastics Limited

Defendants

(2) Anthony Elliott

PROCEEDINGS

Reference under sections 12(1) and 37(1) and application under sections 13(1) and 13(3) of the Patents Act 1977 in respect of GB 2352475 and GB 2362428 and equivalent foreign patent applications

HEARING OFFICER

P Hayward

ORDER

UPON this application being heard on 13th and 14th September 2004

AND UPON hearing Counsel for the Claimant and Counsel for the Defendants

AND UPON hearing the evidence of the witnesses given by statutory declaration and under cross-examination by Counsel

AND UPON reading the documents exhibited to the statutory declarations

AND UPON noting the consent of the Claimant and the First Defendant to the making of this Declaration and Order

IT IS HEREBY DECLARED AS FOLLOWS :

- (1) That the true proprietor of UK Patents 2 352 475 and 2 362 428 is Bio Pure Technology Limited;

- (2) That Rodney Stuart Cobb is the true inventor of UK Patents 2 352 475 and 2 362 428;
- (3) That Bio Pure Technology Limited, pursuant to the terms of a contract entered into between it and Jarzon Plastics Limited in March 1999, is the sole successor in title to any and all rights of Jarzon Plastics Limited in and to the whole of the property in each and every of the inventions disclosed in European Patent Application 00976172.7, United States Patent Application US 10/26,215, Australian Patent Application AU 14052/01 and Indian Patent Application IN/PCT/2002/00648
- (4) That the inventions of European Patent Application 00976172.7, US Patent Application United States 10/26,215, Australian Patent Application AU 14052/01 and Indian Patent Application IN/PCT/2002/00648 belong to Bio Pure Technology Limited, and that Bio Pure Technology is properly and truly entitled to the grant of any patents which result from the said applications, including without limitation Australian Patent 774546 accepted on 1 July 2004.

IT IS HEREBY ORDERED AS FOLLOWS :

- (1) That Jarzon Plastics Limited do forthwith take all steps with its power to assign UK Patents 2 352 475 and 2 362 428, US Patent Application US 10/26,215, Australian Patent Application AU 14052/01 and Indian Patent Application IN/PCT/2002/00648 to the Applicant and to co-operate with the Applicant to ensure that the relevant Registers of those countries are amended or rectified to indicate that the Applicant is the owner of the relevant application and any Patent resulting therefrom;
- (2) That the Register of Patents be rectified by removing the name of Anthony Elliott as inventor of UK Patents 2 352 475 and 2 362 428 and replacing it with the name of Rodney Stuart Cobb;
- (3) That Jarzon Plastics Limited do, within 14 days of the date hereof, pay £10,000 to Bio Pure Technology Limited by way of costs.

P HAYWARD

Divisional Director acting for the Comptroller