

PATENTS ACT 1977

PARTIES Nalan Utku, The Brigham and Women's
 Hospital Inc. and Edgar L Milford

ISSUE Reference filed under Section 37 and
 application filed under Section 13(1) in
 respect of EP (UK) 1297011

HEARING OFFICER S M Williams

DECISION

- 1 European patent (UK) No. 1297011 proceeded to grant in the name of Nalan Utku. Dr Utku is also named as sole inventor.
- 2 The Brigham and Women's Hospital, Inc have now made an application under section 13(1) of the Patents Act 1977 to the effect that Edgar L Milford ought also to have been mentioned as a joint inventor. They have also filed a reference under section 37 of the Act and request that they be named as a co-proprietor by virtue of the employment of Edgar L Milford and an assignment from him dated 19 September 2006.
- 3 Nalan Utku has confirmed in writing that Edgar L Milford should be named as a joint inventor and The Brigham and Women's Hospital, Inc should be named as a co-proprietor. Edgar L Milford has provided written consent to the application filed under section 13(1). This is in the form of a declaration testifying to his role as a co-inventor in relation to the corresponding US patent application. In view of this and the assignment document filed, I conclude that all relevant parties agree that The Brigham and Women's Hospital, Inc should be named as a co-proprietor and Edgar L Milford should be named as a joint inventor. For completeness I should add that the On-line European Patent Register has already been updated and supports this finding.
- 4 Accordingly I find that The Brigham and Women's Hospital, Inc should be mentioned as a co-proprietor in the granted EP (UK) patent and that Edgar L Milford should be mentioned as a joint inventor. I direct that the patents register be updated and an addendum slip reflecting the finding prepared for the granted patent.

S M WILLIAMS

B3 Head of Litigation Section, acting for the Comptroller