

THE PATENTS ACT 1977

CLAIMANT Drayson Technologies (Europe) Ltd

ISSUE Reference under section 12(1)(a) in
 respect of US patent applications
 US16/336612, US16/606523,
 US16/608440 and US16/608395

HEARING OFFICER H Jones

DECISION

- 1 This reference under section 12(1)(a) is concerned with entitlement to various US patent applications filed by Drayson Technologies (Europe) Limited relating to circuitry for harvesting energy from stray electromagnetic fields. The applications all name Aline Coelho de Souza as joint inventor alongside various other individuals. This decision concerns the question of entitlement as between the claimant and Ms de Souza.

Background

- 2 Ms de Souza was employed by the claimant as a Wireless Energy Scientist from 7 September 2015 until 12 January 2018. At the time the inventions described in the applications were made, Ms de Souza was employed by the claimant and was responsible for “supporting all activities related to prototyping and developing RF harvesting systems”.
- 3 The claimant says that it is its understanding that to fulfil a formal requirement of US practice, formal assignments signed by the inventors are necessary because the USPTO will otherwise decline to decide questions of entitlement which they deem to relate to the ownership of property under foreign law. Ms de Souza has been asked to assign the applications to the claimant on a number of occasions but has not yet completed such formal assignments.
- 4 Ms de Souza was notified of this reference by official letter dated 27 May 2021 sent to her current employer. She did not file a counter-statement in response to this notification and so was informed that the reference would be treated as unopposed, i.e. that the comptroller must treat him as supporting the claimant’s case. Again, Ms de Souza did not respond.

Assessment

- 5 Bearing in mind that these proceedings are uncontested, I must accept the claims made by the claimant in relation to the patent applications and the inventions to which they relate. Nevertheless, I am satisfied that the documentary evidence provided by the claimant, namely a redacted copy of Ms de Souza's contract of employment, a witness statement from Ms Alison Lloyd, Head of Engineering at Drayson Technologies, together with copies of the various patent applications, do support the claimant's claims. Therefore, by virtue of section 39(1)(a) of the Patents Act, the claimant is entitled to the inventions made by Ms de Souza as well as to any patent applications resulting therefrom.

Order

- 6 I find that:

Drayson Technologies (Europe) Limited is and has at all times been entitled to be granted a patent or patents in the United States of America for the inventions described and claimed in US16/336612, US16/606523, US16/608440 and US16/608395 ("the US patent applications");

Drayson Technologies (Europe) Limited has or would have all right and interest in any such patents or application for any such patents in the United States of America.

- 7 I order that:

Aline Coelho de Souza's rights in the inventions described in the US patent applications are hereby assigned to Drayson Technologies (Europe) Limited.

Huw Jones

Deputy Director, acting for the Comptroller