



PATENTS ACT 1977

BETWEEN

Owenscorp France S.A.S.	Claimant
and	
Grey Angelo-Sung Buscemi	Proprietor

PROCEEDINGS

Application for revocation under section 72, and offer to surrender under section 29, in respect of patent number GB 2627840 B

HEARING OFFICER James Porter

For the Claimant: Keltie LLP
For the Defendant: First Thought IP

DECISION

Introduction

- 1 This decision concerns an application to revoke patent number GB 2627840 B (“the patent”). It also concerns an offer by the patent proprietor to surrender the patent.
- 2 The patent was granted on 4th March 2025 and published on 2nd April 2025. It arose from a patent application filed on 22nd November 2023, with a priority date of 28th February 2023. The patent is in the name of Grey Angelo-Sung Buscemi, who is also the named inventor.
- 3 On 3rd June 2025, the claimant filed a revocation application. Alongside their Statement of Grounds, they provided a number of exhibits to support their case.
- 4 The patent proprietor has filed no defence to the revocation application but, on 6th August 2025, made an unconditional offer to surrender the patent. The offer to surrender was advertised in the Patents Journal on 5th November 2025, and no opposition to the surrender was filed.

The patent

- 5 The patent concerns component items shaped so that they can interlock and be assembled together to form a larger item. Whilst the invention is not limited to it, the context is particularly in the field of garments, with the component items being made

of material such as leather or fabric which can be shaped from small pieces of leftover material and then assembled to form a panel or garment.

6 Claim 1 of the patent reads as follows:

An item comprising a component part that has been assembled with one or more like component parts to form at least a part of said item without any of said component parts having been folded back on themselves before being coupled to another said component part, wherein each component part comprises:

a plurality of loops arranged adjacent to one another along a notional line in a common plane, said loops each defining an aperture and each comprising a proximal portion and a distal portion, the proximal portions of adjacent loops co-operating to form at least a part of a proximal side of said component part, and

a plurality of solid, aperture-less elongate members that co-operate to form at least a part of a distal side of said component part, each said elongate member forming a link extending in a direction generally parallel to said notional line that couples the distal portion of one said loop to the distal portion of an adjacent loop, each said loop being otherwise separate from adjacent loops;

the arrangement being such that loops of a first said component part can be passed - in a direction generally orthogonal to said notional line - through the apertures of the loops of a second said component part to form a layer of said item in which the first and second component parts are coupled together in such a way that the otherwise separate loops of the second component part are coupled together distally by the elongate members of the second component part and proximally only by the elongate members of the first component part.

The law

7 Under section 72, anyone may apply to the Comptroller (or the court) seeking revocation of a patent. Section 72(1) says this:

Subject to the following provisions of this Act, the court or the comptroller may by order revoke a patent for an invention on the application of any person (including the proprietor of the patent) on (but only on) any of the following grounds, that is to say –

(a) the invention is not a patentable invention;

(b) that the patent was granted to a person who was not entitled to be granted that patent;

(c) the specification of the patent does not disclose the invention clearly enough and completely enough for it to be performed by a person skilled in the art;

(d) the matter disclosed in the specification of the patent extends beyond that disclosed in the application for the patent, as filed, or, if the patent was granted on a new application filed under section 8(3), 12 or 37(4) above or as mentioned in section 15(9) above, in the earlier application, as filed;

(e) the protection conferred by the patent has been extended by an amendment which should not have been allowed.

8 The reference in section 72(1)(a) to a “patentable invention” refers to section 1(1), which says this:

A patent may be granted only for an invention in respect of which the following conditions are satisfied, that is to say –

(a) the invention is new;

(b) it involves an inventive step;

(c) it is capable of industrial application;

(d) the grant of a patent for it is not excluded by subsections (2) and (3) or section 4A below;

and references in this Act to a patentable invention shall be construed accordingly.

9 Hence a patent may be revoked on the ground that it fails to satisfy any one or more of those conditions, as well as on the grounds set out in section 72(1)(b)-(e).

10 Regarding surrender, section 29 says this:

(1) The proprietor of a patent may at any time by notice given to the comptroller offer to surrender his patent.

(2) A person may give notice to the comptroller of his opposition to the surrender of a patent under this section, and if he does so the comptroller shall notify the proprietor of the patent and determine the question.

(3) If the comptroller is satisfied that the patent may properly be surrendered, he may accept the offer and, as from the date when notice of his acceptance is published in the journal, the patent shall cease to have effect, but no action for infringement shall lie in respect of any act done before that date and no right to compensation shall accrue for any use of the patented invention before that date for the services of the Crown.

11 Hence a proprietor may offer to surrender their patent but, even if the surrender is not opposed, the Comptroller will only accept the offer if he is satisfied that the patent may properly be surrendered.

12 While revocation means the patent is treated as if it was never in force, surrender (if accepted) only takes effect from the date when notice of acceptance of the offer to surrender is published in the Journal. A surrendered patent will therefore have been in force for a period of time.

13 As the *Manual of Patent Practice* makes clear at paragraphs 72.36-39, it follows that an offer to surrender during revocation proceedings will not automatically terminate the proceedings. The established approach is for the hearing officer to consider the grounds for revocation before deciding whether to accept the offer to surrender.

14 In particular, with no defence having been filed, I am to consider the matter as if each specific fact set out in the statement of grounds has been conceded, except insofar as it is contradicted by other documents before me. This approach is consistent with rule 77(9) of the Patents Rules 2007 (as amended) which makes clear that, where no counterstatement is filed, the proprietor is treated as supporting the claimant's case.

15 If, on that basis, I determine that at least one ground for revocation has been made out, established practice is that the Tribunal writes to the claimant and the proprietor, and proposes to issue a formal decision revoking the patent, and consequently not to accept the offer to surrender, unless within one month either party objects.

Analysis

- 16 The claimant contends that the claimed invention lacks novelty and inventive step, and that matter disclosed in the patent specification extends beyond that disclosed in the application as filed.
- 17 In accordance with the above approach, on 19th July 2026 the Tribunal wrote to both parties. The letter explained that I consider that at least one ground for revocation has been made out.
- 18 In particular, it explained that I have considered Exhibit A referred to in the Statement of Grounds. Exhibit A is a video hosted online on the YouTube ^{RTM} platform, and was uploaded on 29th January 2020. This predates the priority and filing dates of the patent.
- 19 The video discloses cut foam strips which are formed in a shape very similar to that of the claimed invention as embodied in figures 1 to 5 of the patent, and almost identical to the embodiment shown in figure 9. At various points, the video shows how a plurality of loops in a strip are arranged adjacent to one another in a line, each defining an aperture and comprising proximal and distal portions, and with a plurality of solid elongate members on the distal side forming coupling between the distal portions of the loops, and with the loops otherwise separate from adjacent loops.
- 20 The video goes on to show how a first and second strip (or component part) are coupled together, in the manner set out in lines 16 to 22 of claim 1 – namely, the video shows loops from a first strip being passed through the apertures of the loops of a second strip in order to form a layered item. The otherwise separate loops of the second strip continue to be coupled together distally by the elongate members of the second strip itself, but are also coupled together proximally only by the elongate members of the first strip.
- 21 I therefore consider that the invention as defined in claim 1 (at least) is anticipated by the disclosure in Exhibit A and therefore lacks novelty. Thus at least one ground for revocation under section 72(1)(a) has been made out.
- 22 The letter of 19th July 2026 said that I proposed to issue a formal decision revoking the patent, and consequently not to accept the offer to surrender, unless within one month either the claimant or the proprietor objects. No objection has been received.

Order

- 23 The patent has been found to be invalid and I order that it be revoked. The offer to surrender is not accepted.

Costs

- 24 With regard to the offer to surrender, proceedings are only engaged if an opposition to the surrender offer is filed. As noted above, no such opposition was filed.
- 25 With regard to the revocation proceedings, the claimant has been successful but, as also noted above, the patent proprietor has not joined the proceedings as defendant.

26 It follows there is no award of costs.

Appeal

27 Any appeal must be lodged within 28 days after the date of this decision.

Dr J E PORTER

Chief Hearing Officer, acting for the Comptroller