



PATENTS ACT 1977

BETWEEN

Gridweld Welding Systems Limited

Claimant

and

Michael Berkley Penny

Defendant

PROCEEDINGS

Reference under section 37 (Entitlement) of the Patents Act 1977
in respect of UK patent GB 2496448 B

HEARING OFFICER

Stephen Probert

Hearing date : Decision off the papers

DECISION

- 1 This reference under section 37 (entitlement) is uncontested, and the facts can be stated briefly. Starting in 2009, three men worked on a project to design a new pipe welding machine: Roger Cooper, Dominick Doyle and Michael Penny. They agreed to incorporate the applicant company ("Gridweld"), and that any patents resulting from their labours would be the property of Gridweld. Notwithstanding the agreement, patent GB 2496448 B ("the patent") was filed on 12 November 2011 in the name of Michael Berkley Penny. The patent, which was granted on 7 May 2014, correctly shows the names of all three men as joint inventors.
- 2 Ten days after these entitlement proceedings began, the registered proprietor (Michael Penny) wrote to the Office stating that he was aware of the proceedings, and that Gridweld's claim to sole entitlement of the patent :-

".... will not be opposed and I confirm that Gridweld Welding Systems Limited is the correct owner of the patent. Please record the correct ownership as soon as possible."

Order

- 3 In the circumstances I am satisfied that Gridweld is the true proprietor of the patent, and I hereby order that the register of patents be amended accordingly.

Costs

- 4 The claimant has confirmed that it is not seeking an award of costs.

Appeal

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

Stephen Probert

Deputy Director, acting for the Comptroller