



PATENTS ACT 1977

Turner Fabrication Trading Limited

Claimant

PROCEEDINGS

Reference under section 72(1)(a) of the Patents Act 1977 in respect of Patent Number EP(UK)1226324 B

HEARING OFFICER

Phil Thorpe

DECISION

Introduction

- 1 This decision relates to an application under section 72(1)(a) by Turner Fabrication Trading Limited (“Turner”) for revocation of EP(UK)1226324 B in the name of Pluseight Technology AB (“Pluseight”). The patent relates to a device for coupling scaffolding elements. It was granted on 17th May 2006 with an earliest priority date of 1st November 1999.
- 2 The claimant in its amended statement of grounds filed on 16th March 2017 seeks revocation on the grounds that the invention in the patent lacks novelty and or an inventive step with respect in particular to a product marketed by Pluseight as the “+8 TU” since 1983. It also claims that the invention lacks novelty and or an inventive step with respect to a further product marketed by Pluseight and a number of prior art documents.
- 3 The patentee has not filed a counterstatement. In accordance with rule 77(9) I must treat the patentee as supporting the claimant’s case.

Case for revocation

- 4 The claimant has helpfully in its statement of case provided coloured drawings of the +8 TU product annotated to show the relevant requirements of claim 1. It is clear from these drawings that the +8 TU product does meet many of these requirements. The only aspect that is not perhaps clearly brought out in the drawings is the precise

manner in which the locking mechanism operates. The claimant has however also provided in its statement details of correspondence from the patentee made in the course of ongoing proceedings concerning the equivalent Swedish patent. In this correspondence the patentee noted that “the characterising part of claim 1 ... has been moved to the introduction of the claim as it is in fact previously known (see file appendix 15)”. The characterising part of the Swedish patent corresponds exactly with that of the patent in issue here. File appendix 15 shows the +8 TU product. I am therefore satisfied on the basis of the material before me that claim 1 is anticipated by the +8 TU product.

- 5 Having found at least one ground for revocation it is not necessary for me to consider the further grounds for revocation set out by the claimant.

Order

- 6 I order that patent EP(UK)1226324 B be revoked.

Costs

- 7 The claimant has asked for an award of costs in its favour. However given the non participation in these proceedings by the patentee I decline to make any such award.

Appeal

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

Phil Thorpe

Deputy Director acting for the Comptroller