



PATENTS ACT 1977

BETWEEN

(1) The Angle Ring Company Limited

Claimants

(2) David Springthorpe

And

ASD Westok Limited

Defendant

PROCEEDINGS

Reference under section 37 (Entitlement) of The Patents Act 1977 in respect of
Patents: GB 2408524 B, EP 1687106 B1 and EP 1888857 B1

HEARING OFFICER

Stephen Probert

Decision off the papers

DECISION – WITH CONSENT

- 1 This is a reference to the comptroller under section 37 to determine entitlement to patents GB 2408524 B, EP 1687106 B1 and EP 1888857 B1 (“the patents”). The parties are already engaged in proceedings (involving entitlement) before the court (IPEC). I have been advised by the claimants’ legal representative that those proceedings are ‘well advanced’, and that the parties accept that the comptroller should decline to deal with this reference. A consent order to this effect, signed by both parties, has been provided.
- 2 In the circumstances of this case, I am satisfied that the comptroller should decline to deal with this reference, and that the court should have jurisdiction to do so under section 37. With regard to section 37(5), I note that all three of the patents were granted more than two years before this reference was made; however, the court’s inherent jurisdiction is similarly restricted by section 37(9) in any event.
- 3 For these reasons, in accordance with section 37(8), the comptroller declines to deal with this reference.

Stephen Probert

Deputy Director acting for the Comptroller