

PATENTS ACT 1977
(THE PATENTS RULES 2007)

CLAIMANTS	Top Optimized Technologies, SL, TOT Power Control, SL
DEFENDANT	Vodafone Group plc
PROCEEDINGS	Applications under sections 13(3) and rule 10(2) (Inventorship) and a reference under section 37(1) (Entitlement) in respect of EP(UK) 2071737
HEARING OFFICER	H Jones

DECISION

- 1 Applications under section 13(3) and rule 10(2) and a reference under section 37(1) in respect of EP(UK) 2071737 B1 were filed on 23 February 2018, together with a covering letter inviting the comptroller to decline to deal with the matter, as provided for by section 37(8), due to parallel proceedings before the High Court (claim no. HC-2017-000399).
- 2 The defendant/patentee has confirmed that it agrees that the matter would be more properly determined by the court and accordingly requests that the comptroller declines to deal with the matter.
- 3 In the circumstances of this case, i.e. the consent of both sides and the parallel court proceedings, I am satisfied that the comptroller should decline to deal with the reference under section 37 and that the court should have jurisdiction to decide the question of entitlement. I will stay the applications under section 13(3) and rule 10(2) to amend the inventors named in the patent until such time as a determination is made by the court.
- 4 In accordance with section 37(8), the comptroller declines to deal with this reference.

H Jones
Deputy Director, acting for the Comptroller