

**PATENTS ACT 1977**  
(THE PATENTS RULES 2007)

CLAIMANT	Prosyscor Limited
DEFENDANTS	(1) Netsweeper Inc. (2) Netsweeper (Barbados) Inc. (3) Jeremy Erb
PROCEEDINGS	Applications under section 13 and rule 10(2) (Inventorship) and a reference under section 12 (Entitlement) in respect of foreign and convention patents derived from US61/653,700 and US61/655,179
HEARING OFFICER	H Jones

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**DECISION**

- 1 Applications under section 13 and rule 10(2) and a reference under section 12 in respect of various foreign and convention patents were filed on 25 January 2018.
- 2 In its statement of grounds, the claimant suggests that some or all of the questions to be decided involve matters that would more properly be dealt with by the Court and asks that the comptroller decline to deal with the reference as provided for by section 12(2). The claimant explains that there are concurrent proceedings before the Intellectual Property Enterprise Court (claim no.: IP-2017-000169) and suggests that certain issues of jurisdiction and further remedies in respect of breaches of confidence and/or contract can only be considered by the Court. The defendants have confirmed that they are in agreement with the claimant's proposal.
- 3 In the circumstances of this case, i.e. the consent of both sides, the parallel proceedings before IPEC and the further remedies sought, I am satisfied that the comptroller should decline to deal with the reference under section 12 and that the Court should have jurisdiction to decide the question of entitlement. I will stay the applications under section 13 and rule 10(2) to amend the named inventors until such time as a determination is made by the Court.
- 4 In accordance with section 12(2), the comptroller declines to deal with this reference.

**H Jones**  
Deputy Director, acting for the Comptroller