Intellectual Property Office

BL O/517/19
04 September 2019

PATENTS ACT 1977

PARTIES	UTI Limited Partnership, Alain Tremblay and Severian Dumitriu
ISSUE	Whether a certificate should be issued in accordance with section 13(3) to the effect that Severian Dumitriu should not have been mentioned as inventor for patent number EP(UK)2222363
HEARING OFFICER	Susan Eaves

DECISION

1 European Patent (UK) No. 2222363 names two inventors: Alain Tremblay and Severian Dumitriu.

2 UTI Limited Partnership, the patent proprietor, has filed an application under section 13(3) to the effect that Severian Dumitriu, should not have been mentioned as a joint inventor. A statement of grounds has been filed by UTI Limited Partnership to initiate these proceedings, together with two affidavits relating to the equivalent Canadian patent application.

3 In their statement of grounds, UTI Limited Partnership confirm that Severian Dumitriu, now deceased, was named as an inventor on PCT application PCT/IB2008/003843 published as WO 2009/060322, from which patent EP(UK) 2222363 was derived, for his contribution to an invention defined by original claim 21. This claim was subsequently deleted and forms no part of the subject matter and inventive concept of granted patent EP(UK)2222363. This is supported by affidavits from Université de Sherbrooke, the joint proprietor of the equivalent Canadian patent application and UTI Limited Partnership. The application is also supported by the existing named inventor Alain Tremblay.

4 In the absence of any evidence to the contrary and in view of the statement of grounds and affidavits filed, I therefore conclude that Severian Dumitriu should be removed from the list of inventors. I also direct, that an addendum slip be prepared for granted patent EP(UK)2222363 to reflect this finding.

5 This decision serves as a certificate, issued in accordance with section 13(3), to the effect that Severian Dumitriu should not have been mentioned as a joint inventor in the granted patent.

SUSAN EAVES
B3 Tribunals Technical Co-ordinator, acting for the Comptroller