

ADD2 v dSPACE <http://eplaw.org/uk-add2-v-dspace/> <https://www.bailii.org/ew/cases/EWHC/Patents/2021/1630.pdf>

I only came across this case – ADD2 v dSPACE – later this afternoon, after stumbling across an ADD2 “*legal fiction*” on the USPTO database - explained below.

Earlier today I was preparing to write to the USPTO to ask it to do two things with regard to its Patent Assignment Search (PAS) facility’s search options & results filter:

- (1) add “**England**”, for completeness, to the list of UK countries and regions * already listed in the USPTO’s A-Z “*Assignee country*” search options box;

* Scotland, Wales, N. Ireland, Isle of Man, Guernsey and Jersey.

PAS: <https://assignment.uspto.gov/patent/index.html#/patent/search> (Advanced Search)

- (2) improve the PAS Results Filter bank of USPTO public file **first sentences** † by including such misrepresented documents as a Sale & Purchase Agreement,

- aka, Agreement for (or relating to) the sale & purchase of certain assets,
- aka, “*agreement to assign*” [Jacob J, Patents Court, [26 Mar. 1996](#) and [4 Dec. 2001](#)].

† such as “*ASSIGNMENT OF ASSIGNORS INTEREST*”, “*ASSIGNMENT NUNC PRO TUNC*”, “*LETTERS OF ADMINISTRATON*” and “*CHANGE OF NAME*” - all thrown together under the USPTO heading “*Conveyance type*” on the PAS and all thrown together as “*ConveyanceText*” in the “[API for developers](#)” source code.

In order to demonstrate, to the USPTO, the benefits of addressing such omissions, I was creating some bespoke URLs to get around the limitations imposed by these Search Option & Results Filter omissions.

In so doing, I crashed into ADD2 Ltd’s July 2019 attempt to establish a “*legal fiction*”:

- <https://propertyintangible.com/2016/12/more-on-what-nunc-pro-tunc-means/> (relevant case law)

I had created a [unique URL](#) which caused an Assignment Nunc Pro Tunc **to** ADD2 Ltd (a name which meant nothing to me) to appear at the top of a PAS Results page.

Being just a click away from a link to “*a copy of the actual document*” [Jacob J., 1996], I clicked the [links](#) (incl. the [icon](#) beside the USPTO’s standard **terminating sentence** “*SEE DOCUMENT FOR DETAILS*”), saw an EU Pat. No. and typed it into IPSUM *.

* an “*Information and Document Inspection Service*” with a twist – it blocks inspection of the “*most important*” [Banks Committee, Cmnd 4407, 1970 – [1996](#) & [2008](#)] documents of all - the “[Form 21 and] **documents filed on** ... [in this case, **EP1163622**] ...”.

Whereas the IPSUM Case Notes contain a paragraph recording, on 27 April 2010, the following **first and terminating sentences** †, ADD2 Ltd’s *legal fiction* of a *readily available document filed on [US6661251](#)* refers to “*an agreement of sale dated 28 March 2008*”, the limited effect in law of which caused the parties to attempt, on 20 July 2019, to assign three patents to ADD2 Ltd **with effect from 28 March 2008**:

- <https://www.lexology.com/library/detail.aspx?g=db40d821-0257-44c2-a269-973186819804> (relevant case law)

† “*...by virtue of assignment dated 28.03.2008. Form 21 and documents filed on EP1163622*”