

9 FEBRUARY 2006 18:02

From: andrew hall [mailto:ajjh@freenetname.co.uk]

Sent: 09 February 2006 18:02

To: 'julyan.elbro@patent.gov.uk'

Subject: RULE 15 INQUIRY

Dear Mr. Elbro,

Please find my letter and Rule 90 of the PCT Regulations attached. I shall forward Mr. Twyman's email separately.

Yours sincerely,

Andrew Hall.

(Letter dated 9 February 2006-1)

NORTHERN LIGHT MUSIC LIMITED

Noyna Lodge, Manor Road, Colne, Lancs. BB8 7AS

9 February 2006

Mr. J. Elbro
The Patent Office
Concept House
Cardiff Road
Newport
South Wales NP10 8QQ

confidential

Dear Mr. Elbro,

RULE 15 INQUIRY

Thank you for taking my call this afternoon.

The patent agents concerned in this inquiry are adamant that Power of Attorney (please see the copy in your File) **does not constitute my appointment of them**, but rather only my company's appointment (**that company having been liquidated in 2001**).

Although I owned and controlled that company, paid all the bills and gave all the instructions, **to them this accounted for nothing** and they consider it wholly appropriate that they should present themselves to venture capitalists for the purposes of being paid by them **to attack me and deprive me of several hundred thousand pounds to date** – and equally importantly, **of my family income for the next five years and more.**

The Power of Attorney, however, does not affect the Inquiry as it was not brought by the Patent Office with reference to Power of Attorney at all. Power of Attorney is additional evidence of appointment, a late arrival, which, with the assistance of the UK Patent Office, I have now proved (see below) to be valid.

The agents recently referred to the US requirement for the inventor to be an applicant as being some kind of (unexplained) loophole for them, so I have sought to and now managed to prove this to be a wholly false argument.

You may recall from my File, that Power of Attorney was required by the receiving Office pursuant to PCT Article 14 (1), an “invitation to correct defects in an international application”.

(Page 2)

Mr. Twyman, Senior Legal Advisor at the UK Patent Office, has kindly provided me with a direct link to Rule 90 of the Regulations under the PCT – **“Agents and Common Representatives”**. I attach Rule 90 for your File.

He has also run a check to ensure that this Rule 90 applied to my Power of Attorney on 14th February 1992 and he has confirmed its applicability by the attached email.

As you know, the Solicitor to the UK Patent Office was not happy with the actions of the patent agents against me and as these were all conducted through the UK Patent Office, they were indisputably targeted against me.

The patent agents cannot therefore argue over whether or not they were acting against me.

Instead, they are denying that they ever acted for me.

I wish to ensure that the Hearing Officer sees the attached evidence of their appointments as it serves to counteract any such claims the agents will make to him in due course with respect to representing and/or acting for me in the International Application.

It has already been established that the claims against me in the patent agents' letters of 4th November 2004 and 17th December 2004 were false – **the 1991 Assignments most certainly did affect the granted patents, as they claimed priority from the 1991 Assigned UK Patent Application;** and the current proprietor's purchase agreement did not effect the acquisition of the patents free from encumbrances, far from it, according to the Administrative Receiver's letters in the File you hold.

I consider that the Secretary Of State will be disturbed over the nature of the letters being not only served against me but also being wholly false in their content.

I therefore see the only point of argument being the agents' appointment and I address this now.

From the attached Power of Attorney and Rule 90, you will see that both applicants appointed the patent agents in full accordance with 90.1(a).

90.2 does not therefore apply as the patent agents were appointed in accordance with 90.1(a).

90.3 states the effects of acts by or in relation to agents. (being of no consequence to the argument itself).

90.4(a) and 90.4 (b) state the manner of the appointment of the agent by the applicants. In (a) the appointment is made by each applicant signing, at his choice, power of attorney in favour of the patent agents, and in (b) by the agents submitting same to the receiving Office.

90.5(a) and 90.5(b) describe general power of attorney, being identified as relating to a specific international application, as in the case of my 23-12-91 application, and how it should be submitted to the receiving office, as it was in the case of my Application.

(Page 3)

I have studied Rule 90 very closely indeed and in every detail and I am entirely satisfied that an additional professional relationship was entered into which has not yet been revoked.

The patent agents are refusing to back down, in spite of CIPA's recent suggestion to them that they look into other potential conflicts of interest, but instead have now taken on a new paymaster within the venture capital group that is refusing to pay me.

I can see no outcome other than them being struck off the Register.

I had hoped that they would take the matter more seriously and settle the matter before your enquiry got under way, but they would not.

It is possibly harder for me to secure a settlement with the patent agents whilst they know that they still face being struck off.

I would therefore ask you to consider with the Hearing Officer whether it would be inappropriate for me to seek mediation with the patent agents with a view to suspending the Inquiry indefinitely, provided that some additional clarification was made by CIPA in its Rules of Conduct to ensure that no inventor finds himself in this situation again.

I do think it would be inappropriate for me to release patent agents who should be struck off the Register for what they have done, simply because they might agree to settle with me, but if such a thing could not happen to any UK inventor again, I would see that as a sensible way to settle all the outstanding matters.

Please let me know if it would be possible to prepare the case for the Hearing Officer in the light of the current evidence against the patent agents and for me to look at ways of settling the matter with the patent agents in a wholly appropriate manner.

Yours sincerely,

Andrew Hall.