

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
INTELLECTUAL PROPERTY LIST (ChD)
PATENTS COURT

Appeal No CH-2019-000339

On appeal from the decision of **Huw Jones** (Deputy Director, United Kingdom Intellectual Property Office) dated 4 December 2019

The Hon. Mr Justice Marcus Smith
21 September 2020

BETWEEN:

STEPHEN THALER

Appellant

and

COMPTROLLER-GENERAL OF PATENTS, DESIGNS Respondent
AND TRADE MARKS

ORDER

UPON Huw Jones having made a decision on behalf of the Respondent – BL O/741/19 – dated 4 December 2019, in relation to patent applications GB1816909.4 and GB1818161.0 made in the name of the Appellant (“the **Decision**”);

AND UPON the Appellant having brought the present appeal from the Decision (“the **Appeal**”), by Appellant’s Notice dated 18 December 2019;

AND UPON hearing the appeal at an oral hearing, conducted remotely, on 15 July 2020 (“the **Appeal Hearing**”)

AND UPON hearing Robert Jehan and Ryan Abbott for the Appellant, and Stuart Baran for the Respondent

AND UPON the parties having confidentially agreed an amount to be paid by the Appellant to the Respondent in respect of the Respondent’s costs of this appeal

AND UPON this Court having handed down its judgment – [2020] EWHC 2412 (Pat) (“the **Judgment**”) – remotely and in writing on 21 September 2020.

IT IS ORDERED THAT:

1. The Appeal be dismissed.

2. The Decision be upheld.
3. Patent Application number GB1816909.4 shall be deemed to have been withdrawn as of 18 February 2020.
4. Patent Application number GB1818161.0 shall be deemed to have been withdrawn as of 10 March 2020.
5. The Appellant shall pay the Respondent the sum confidentially agreed between the parties in respect of the Respondent's costs of the Appeal by 4pm on 5 October 2020. There shall be no further order as to the costs of the Appeal.
6. This order shall be served by the Respondent upon the Appellant by their respective legal representatives.
7. This is an order from which an appeal lies to the Court of Appeal (Civil Division). Permission to appeal is refused. Any further application for permission to appeal must be addressed to the Court of Appeal (Civil Division).

Reasons for refusing permission to appeal

- a) Although this is a second appeal, the ordinary rules regarding permission to appeal apply. I see no real prospects of the appeal succeeding. I have affirmed the careful Decision below after fresh argument and an entirely fresh consideration of the statutory provisions. For the reasons given in my Judgment, I regard these provisions as clear and I see no prospect of the appeal succeeding.
- b) I do not consider that there is any other compelling reason to give permission to appeal. The questions raised by the Appellant are undoubtedly interesting: but they are interesting in terms of legal policy regarding artificial intelligence and raise no matter of interest on an appeal.

Service of this order

A sealed copy of this order has been served upon the serving party:

The Treasury Solicitor (solicitor for the Respondent)

Government Legal Department
102 Petty France, Westminster, London SW1H 9GL
Ref: Z2000032/CLGA/DWA