



PATENTS ACT 1977

BETWEEN

Convatec Limited

Claimant

and

Speciality Fibres and Materials Limited

Defendant

PROCEEDINGS

Reference under section 12 of the Patents Act 1977 in
respect of patent WO 2010/061225 A3

HEARING OFFICER

P THORPE

DECISION

- 1 Both sides have requested that the comptroller declines to deal with this reference under section 12 in light of related proceedings ongoing in the High Court and pursuant to an order of HHJ Birss QC sitting as a deputy judge of the High Court dated 8 December 2010.
- 2 It is clearly undesirable to have the same or largely similar issues litigated both before the comptroller and the court. I am also satisfied that the question of entitlement to this patent is one which would now more properly be determined by the court.
- 3 On these grounds therefore, I grant the request and I decline to deal with the reference.

Costs

- 4 The question of costs to date of these proceedings before the comptroller has not been raised, and accordingly I make no order in that respect.

Appeal

- 5 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

P THORPE

Deputy Director acting for the Comptroller