



BL O/324/05

20 December
2005

PATENTS ACT 1977

BETWEEN

British Numberplate Manufacturers
Association

Claimant

and

Hills Numberplates Limited

Defendant

PROCEEDINGS

Application under section 72(1) of the Patents Act 1977 in
respect of patent number GB 2376437

HEARING OFFICER R C Kennell

ORDER

Introduction

- 1 In my preliminary decision BL O/066/05 on 15 March 2005 I found that the applicant British Numberplate Manufacturers Association (“BNMA”) being an unincorporated association was not entitled to make the application in its own name. BNMA proposed that one of its constituent members, Bestplate Limited, should substitute as applicant and give a guarantee about costs incurred by the BNMA.
- 2 The parties were unable to agree about the terms of the guarantee. In a second preliminary decision BL O/293/05 on 28 October 2005, I neither accepted the defendant’s arguments nor accepted the guarantee offered by Bestplate Limited, but said that I would be prepared to accept the following guarantee:

“Bestplate Limited therefore undertakes to accept liability for such contribution to Hills Numberplates Limited’s costs (if any) as the BNMA or Bestplate are

adjudged liable to make at any stage of the proceedings.”

3 Bestplate has indicated its consent to this guarantee in a letter from its patent agents Dummett Copp dated 24 November 2005. In the absence of any comments from the defendant, I accept the guarantee and will therefore proceed as I proposed in my second preliminary decision.

Order

4 I therefore order that Bestplate Limited shall be substituted for BNMA as the applicant in the present proceedings, and shall be liable for such contribution to the defendant's costs (if any) as either it or BNMA are ordered to pay at any stage of the proceedings.

5 I also order that the following amendments shall be made to the application form 2/77 and the statements of case:

- Bestplate Limited's name and address (210 Watson Road, Blackpool FY4 3EF) are to replace the name and address of BNMA on Form 2/77;
- the wording "(but now proceeding in the name of Bestplate Limited as applicant)" is to be added after "Association" in the headings "In the matter of ..." in both the statement and counter-statement; and
- in the counter-statement, sections I and II are to be deleted, and "III In the alternative the" is to be replaced by "The";

these amendments are to be effected in the Office to the documents on the file of the proceedings which is open to public inspection, and it is not necessary for the parties to file replacement copies.

6 The evidence rounds should now commence. Bestplate Limited have a period of six weeks from the date of this decision to file evidence in support of the application for revocation, and shall send a copy of any such evidence to the defendant. Thereafter the evidence rounds will continue in accordance with rules 75(5) - (7).

Costs

7 I make no further order for costs.

Appeal

8 Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must

be lodged within 28 days. My order above, and the evidence rounds, will be stayed in the event of an appeal.

R C KENNEL

Deputy Director acting for the Comptroller