



BL O/366/06

14 December 2006

**PATENTS ACT 1977**

BETWEEN

Keith Dixon Roche;  
Oil & Gas Installations Limited;  
and Pipeflex Limited

Claimants

and

N V Bakaert SA;  
Luc Bourgois;  
Ludo Adriaensen;  
and Daniel Mauer

Defendants

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PROCEEDINGS

Reference under sections 13 and 37 in respect of patent number  
EP(UK) 1350049

HEARING OFFICER

D J Barford

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**PRELIMINARY DECISION**

- 1 This reference was filed on 30 August 2006 in respect of patent number EP(UK) 1350049 ("the patent"). Copies of the reference and an accompanying statement were served on the defendants. However before any counterstatement had been filed, the claimants, in a letter dated 3 October 2006, requested that the proceedings be stayed; and the defendants, in a letter dated 17 October 2006, agreed to this proposal. The parties have also agreed that the stay issue be decided on the papers.
- 2 The claimants state as follows. The defendants are all based in Belgium and it is the claimants' view that the court in Belgium has jurisdiction to determine the entitlement issue in respect of all the European patent family members. Accordingly entitlement proceedings were launched in Belgium on 28 August 2006. However, in case the court in Belgium decides that it does not have the necessary jurisdiction, the claimants have also initiated entitlement actions in the United Kingdom in respect of the patent (this reference before the comptroller), and in Germany and Italy in respect of corresponding equivalents.

3 On jurisdiction, the parties have referred me to European Council Regulation (EC) No 44/2001 of 22 December 2000 (“the Brussels Regulation”). I do not however think it necessary to go into the detail of that, since the parties have also raised the more general point that to have parallel sets of proceedings taking place in different jurisdictions is inherently undesirable, and I am content to accept that. The only other factor that I can see that would be relevant is whether there is a public interest consideration that needs to be taken into account; and I am not aware of any.

4 Given then that there is no dispute over a stay and that there is no public interest consideration to take into account, I order that these proceedings be stayed pending decision by the court in Belgium.

### **Costs**

5 Neither party has asked for costs in respect of this preliminary matter and so I make no award.

### **Appeal**

6 Although it would appear to be academic in the present case, under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal must be lodged within 28 days.

**DAVID BARFORD**

Deputy Director acting for the Comptroller