

22 February 2008

**PATENTS ACT 1977**

BETWEEN

Reflex Modulation Limited

Claimant

and

Alteristic Instruments Limited

Defendant

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PROCEEDINGS

Reference under section 37 of the Patents Act 1977 in  
respect of patent number GB 2223175

HEARING OFFICER

A C Howard

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**DECISION ON COSTS**

- 1 At a hearing on 1 February 2008, I decided, upon a request by the defendant, that the question referred to the comptroller in these proceedings would more properly be determined by the court. In accordance with s. 37(8), I therefore declined to deal with the question. I reserved my reasons for this to a later date.
- 2 I gave the parties the opportunity to make written submissions on costs, which they have duly done. In the event both have asked that the question of costs in the proceedings before the comptroller be left open for the court to consider in due course. I therefore make no order for costs.

**A C HOWARD**

Divisional Director acting for the Comptroller