

29th June 2011**PATENTS ACT 1977**

BETWEEN

JCC Lighting Products Ltd
and
RD Europe Ltd

Claimant

Defendant

PROCEEDINGS

Reference under section 37 of the Patents Act 1977
in respect of patent EP(UK) 1 688 663

HEARING OFFICER Stephen Probert

DECISION

- 1 This is a reference to the comptroller under section 37 to determine entitlement to patent EP(UK) 1688663. The statement filed by the claimant requests that the comptroller declines to deal with the reference (as provided by section 37(8)) because there are concurrent proceedings concerning entitlement to the patent already pending before the High Court. A copy of the particulars of claim in the High Court proceedings was appended to the statement.
- 2 The defendant has filed a counterstatement, and in the letter accompanying the counterstatement, they agree with the claimant that the issues between them would be more properly determined by the court. Therefore they do not resist the claimant's request that the comptroller declines to deal with this reference.
- 3 I have read the particulars of claim in the High Court proceedings, and it appears to me that in the circumstances of this case, the comptroller should decline to deal with the reference. This will enable the parties to deal with the issue in a single forum, which not only makes good sense, but is clearly what both sides want.
- 4 Therefore, in accordance with section 37(8), the comptroller declines to deal with this reference.

S PROBERT

Deputy Director acting for the Comptroller