

THE '514 PATENT

514 Amendment A: Unconditional amendment

11. The Claimant seeks to amend the '514 Patent in order to align the claims of the '514 Patent with those currently in issue in the opposition proceedings before the EPO. In those proceedings, the Claimant requests that the European patent corresponding to the '514 Patent be maintained in amended form as per the main request filed on 10 March 2015.
12. The proposed amendments to the claims of the '514 Patent are identical to the main request. They are as described and sought on the basis set out in the Claimant's Reply to Notice of Opposition attached hereto as Annex 2, and more particularly at page 6 of that document in the section headed "Main Request".
13. The Claimant does not accept that the claims of the '514 Patent prior to amendment are invalid. However, for the purposes of this action alone, the Claimant seeks to make the amendments unconditionally, and the Claimant will not in this action seek to contend that the claims of the '514 Patent prior to amendment were valid.
14. The amendments sought will not have the effect of disclosing any matter which extends beyond the application as filed or extending the protection conferred by the '514 Patent. Accordingly, the amendments comply with the provisions of section 76 of the Patents Act 1977 and should be allowed pursuant to the Court's power to amend under section 75 of that Act.

514 Amendment B: First Conditional Amendment

15. The first proposed conditional amendments to the claims of the '514 Patent are identical to Auxiliary Request 11 filed on 10 March 2015 and currently in issue in the opposition proceedings.
16. The proposed conditional amendments are as described and sought on the basis set out in the Claimant's Reply to Notice of Opposition at Annex 2, and more particularly at pages 6 to 12 of that document in the sections headed "Main Request", "Auxiliary Request 7" and "Auxiliary Request 11".
17. The Claimant does not accept that the claims of the '514 Patent prior to these contingent amendments are invalid. The Claimant will contend that the claims of the '514 Patent as sought to be amended in the unconditional 514 Amendment A set out above are valid. This part of the amendment application is conditional, and the Claimant only seeks to make these amendments to the claims of the '514 Patent in the event that the Court finds that the claims (as sought to be amended unconditionally pursuant to the 514 Amendment A) are invalid.

18. The amendments sought will not have the effect of disclosing any matter which extends beyond the application as filed or extending the protection conferred by the '514 Patent. Accordingly, the amendments comply with the provisions of section 76 of the Patents Act 1977 and should be allowed pursuant to the Court's power to amend under section 75 of that Act.

514 Amendment C: Second Conditional Amendment

19. The second proposed conditional amendments to the claims of the '514 Patent are identical to Auxiliary Request 12 filed on 10 March 2015 and currently in issue in the opposition proceedings.

20. The proposed amendments are as described and sought on the basis set out in the Claimant's Reply to Notice of Opposition at Annex 2, and more particularly at pages 6 to 13 of that document in the sections headed "Main Request", "Auxiliary Request 8" and "Auxiliary Request 12".

21. The Claimant does not accept that the claims of the '514 Patent prior to these contingent amendments are invalid. The Claimant will contend that the claims of the '514 Patent as sought to be amended in the unconditional 514 Amendment A set out above are valid. This part of the amendment application is conditional, and the Claimant only seeks to make these amendments to the claims of the '514 Patent in the event that the Court finds that the claims (as sought to be amended unconditionally pursuant to the 514 Amendment A) are invalid.

22. The amendments sought will not have the effect of disclosing any matter which extends beyond the application as filed or extending the protection conferred by the '514 Patent. Accordingly, the amendments comply with the provisions of section 76 of the Patents Act 1977 and should be allowed pursuant to the Court's power to amend under section 75 of that Act.