

OPINION UNDER SECTION 74A

Patent	EP1951971B1
Proprietor(s)	Douglass, James Edward
Exclusive Licensee	-
Requester	Zhejiang Bamtech New Material Technology Co., Ltd.
Observer(s)	-
Date Opinion issued	21 February 2024

The request

1. The Comptroller has been requested to issue an opinion as to whether the disposal and use in the UK and importation into the UK of a floor board product described in the request (hereafter the Product) would constitute an infringement of claim 1 of EP1951971B1 (hereafter the Claim and the Patent).
2. The Request was filed on 23rd November 2023. Observations on behalf of the Patentee were submitted on 18th December 2023 and Observations in Reply were submitted on 09th January 2024 on behalf of the Requester.
3. The Request relates to a question of infringement, which is one of the issues for which an opinion can be sought and none of the submissions indicate that the question has been or is being considered in other proceedings or any other reasons to refuse the Request. Therefore, I shall proceed to provide an Opinion on the infringement question.

The Patent

4. The Patent is concerned with decking planks which seem to be primarily intended for outdoor decking. Prior art is described which has a support beam combined with a releasable covering which probably provides a relatively soft surface. In contrast the invention combines the support beam and a softer covering layer into a single plank structure.
5. Various versions of the plank are disclosed of which Fig. 1F is closest to claim 1 and shows a support beam 17 comprised of a filled elastomer, such as polyurethane, combined with a covering layer 18.

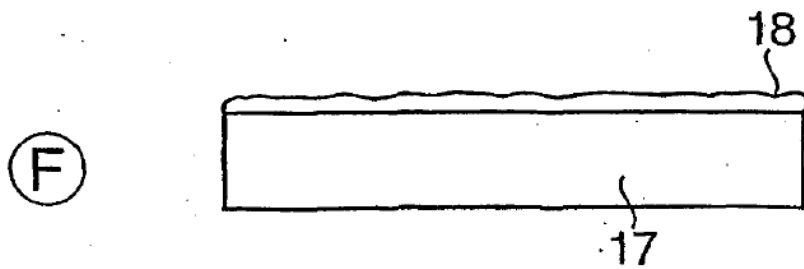
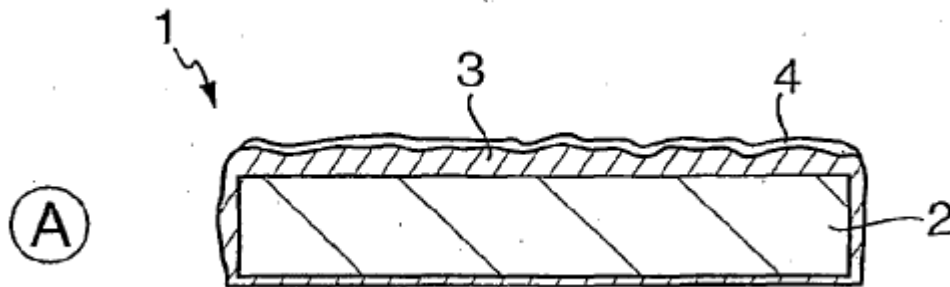


FIG. 1

6. The basic plank showing the numerals found in the claim is shown in Fig. 1A and described in paragraph 0022.



[0022] Figure 1a shows a decking plank 1 in cross-section. This decking plank has a substantially rectangular cross-section with a substantially rigid support beam 2, encapsulated in a covering layer 3. On top of the covering layer 3, a further covering layer 4 is provided which extends only across the top surface of the plank. The Patent is also somewhat concerned with method of manufacture with the surface layers being affixed without the use of adhesives. In the embodiments heat produced during moulding is sufficient to meld the layers together.

7. Further sections of the description are concerned with the incorporation of additional elements (such a lights and heating elements) into the decking planks but the claims are directed to the structure of a plank without mention of these optional elements.
8. The Patent has 9 claims of which claim 1 is the only one at issue in this Opinion.

1. A decking plank comprising a core (2) with plastics material; said core (2) acting as a support beam; one or more layers (3, 4) melded together without the use of adhesives; one or the layer having a top surface with a relief; whereby one or the layer forms an outer slip resistant covering layer (4); characterised in that said core is reinforced by fibres; and the or one layer (3) of the plank comprises an elastomer and a filler; whereby the or one layer (3) is relatively soft compared to said core (2) which is relatively hard; and the core acts as a support beam whilst the or one layer has a cushioning effect.

Claim Construction

9. Before considering novelty and inventive step, I need to construe the claims of the patent — that is to say, I must interpret them in the light of the description and drawings as instructed by Section 125(1):

For the purposes of this Act an invention for a patent for which an application has been made or for which a patent has been granted shall, unless the context otherwise requires, be taken to be that specified in a claim of the specification Of the application or patent, as the case may be, as interpreted by the description and any drawings contained in that specification, and the extent of the protection conferred by a patent or application for a patent shall be determined accordingly.

10. I must interpret the claims in context through the eyes of the person skilled in the art. Ultimately the question is what the person skilled in the art (hereafter skilled person) would have understood the patentee to be using the language of the claims to mean. This approach has been confirmed in the recent decisions of the High Court in Mylan v Yeda¹ and the Court Of Appeal in Actavis v ICOS².
11. The Request adopts the accepted standard described above for construing the claim but does not explicitly specify the skilled person that they envisage.
12. Given the subject matter, the skilled person would, in my opinion, be a designer/manufacturer of flooring and decking systems including floors/decks and their coverings, especially including laminated examples thereof. The skilled person's common general knowledge would encompass the performance requirements placed on decking planks (e.g. strength, environmental resilience, slipperiness), available materials (e.g. wood, metal, plastic) and the methods of manufacturing with those materials. In the absence of any proposal for the skilled person in the submissions I will use the above model in my consideration of this Opinion.
13. The patent has 9 claims with 1 being the only independent claim and all of the arguments presented relate to claim 1. Claim 1 specifies [bold, underline and line breaks added]

*A **decking plank** comprising
a core (2) with plastics material;
said core (2) acting as a support beam;
one or more layers (3, 4) melded together without the use of adhesives;
one or the layer having a top surface with a relief;
whereby one or the layer forms an outer slip resistant covering layer (4);
characterised in that
said core is reinforced by fibres;
and the or one layer (3) of the plank comprises an elastomer and a filler;
whereby the or one layer (3) is relatively soft compared to said core (2)
which is relatively hard;*

¹ Generics UK Ltd (t/a Mylan) v Yeda Research and Development Co. Ltd & Anor [2017] EWHC 2629

² Actavis Group & Ors v ICOS Corp & Eli Lilly & co. [2017] EWCA Civ 1671

and the core acts as a support beam whilst the or one layer has a cushioning effect.

14. The arguments presented with respect to infringement are primarily directed to the features in bold (the 'decking plank' and the 'said core is reinforced by fibres' integers) and I will deal with these elements in detail below.
15. The remaining claim elements can largely be straightforwardly understood except the underlined section.
16. The Request argues that the definite requirement for melding indicates that multiple layers must be required, otherwise there would be no melding. The repeated use of 'the or one layer' throughout the claims would seem to indicate that the drafter clearly envisaged a plank including a single layer and I do not think that the construction offered in the Request stands up.
17. I think that on balance the skilled reader would consider this passage to have been poorly drafted and construe it as 'one layer or multiple layers melded together without the use of adhesives'. This construction removes the logical inconsistency of the single melded layer, retains consistency with the wording across the remainder of the claim and is in line with the various embodiments found in the specification which often have single layers.
18. Turning to the claim elements where the Requester asserts that their Product is distinguished from the Claim.

Decking Plank

19. The Request asserts that the 'decking plank' should be construed to import the definition found in paragraph 2 of the granted Patent.

In this specification the term "decking plank" means a decking plank which is capable of being suspended on two or more support points without significantly bending out of the natural plane of the plank when carrying a weight such as a person.

20. This does suggest that decking planks without this characteristic may exist more generally, but that for the purposes of this Patent a limitation to planks with the specified load bearing characteristics is intended.
21. The Observations argue that the term 'decking plank' indicates 'a board having the capacity to cover' and that this is so clear that the skilled person would not refer to the description. This proposal seems to diverge from the skilled person using the description and drawings to interpret the claims and does not seem to be one that I should adopt.
22. The Reply argues that the term 'decking plank' would be understood to be for outdoor use and distinct from indoor floor boards. This part of the submission is not strictly in reply to the Observations and represents a new line of argument. As such it cannot on the face of it be considered.
23. However, I am required to consider the matter at hand in the round and will check

that I am not dismissing this construction merely because it has newly appeared in the Reply. The description of the Patent only refers to outdoor or indoor options with respect to heating and a deck in the vicinity of a house including an intruder alarm sensor. This evidence is insufficient to suggest to the skilled reader that a limitation to decking planks for outdoor usage was implicitly intended and it is safe to dismiss this line of argument.

24. Taking the various submissions into account I think that the skilled reader would understand decking plank to mean what is explicitly set out in paragraph 2 of the application, a plank capable of being suspended between support points without significant bending when carrying a weight of the order of a person.
25. However, this still leaves a question over the spacing between support points over which the decking plank is supposed to carry the weight without significant bending. The Patent does not specify this spacing nor is it mentioned in any of the submissions. A brief online search suggests that, whilst a range of support spacings is possible, 300mm and 400mm are typical spacing values for joists under outdoor decking. I was unable to readily discover an equivalent norm for indoor joist spacing, there seemed to be many variations and dependencies. Absent better evidence I shall adopt the above outdoor spacings as those across which the decking plank needs to carry weight without significant bending.

Said core is reinforced by fibres

26. The Request suggests that the fibre reinforcement could be achieved by incorporating the fibres into the core or otherwise applying them to the core. It then quotes a brief phrase from a pre-grant response which states 'by taking the inventive step of incorporating fibres in the core and opting for an elastomer and filler layer, both strength and comfort under foot are produced allowing deck planks to be splinter free under foot.'
27. The Request acknowledges that references to the prosecution are not the norm but argues that they should because it is needed.
28. The Observations argue that the prosecution should not be referred to citing the limited cases for referring to the history discussed in Actavis³.
29. The Reply also refers to Actavis and argues that it justifies the reference to the prosecution history on both grounds.
30. The conditions set out in Actavis are:
 - (i) *the point at issue is truly unclear if one confines oneself to the specification and claims of the patent, and the contents of the file unambiguously resolve the point, or*
 - (ii) *it would be contrary to the public interest for the contents of the file to be ignored.*
31. Additionally, an example which would invoke the second condition is provided:

³ Actavis UK Limited and others v Eli Lilly and Company [2017] UKSC 48

the second would be exemplified by a case where the patentee had made it clear to the EPO that he was not seeking to contend that his patent, if granted, would extend its scope to the sort of variant which he now claims infringes

32. Dealing with the second condition first, the Reply states that because the fibre reinforcement is not detailed in the application its scope is vague and broad. It then goes on to say that the broad construction would encompass the matter of EP0447877A1 which relates to fibre reinforced thermoplastic articles in general and that this somehow invokes the public interest.
33. The Reply does not point to a specific aspect of the Observations where the Patent owner has behaved in a manner suggested by the example in Actavis nor is any detectable when reading the Observations. Even if the claim covers a broad range of ways of reinforcing with fibres, this is not clearly contradictory to the fibres being incorporated in the core. Thus, I do not think that the evidence and arguments provided are sufficient to show that the prosecution history should be considered on public interest grounds.
34. Returning to the first condition identified in Actavis, I will attempt to construe the claim without reference to the prosecution history and if that succeeds the reference to the prosecution will not be justified on this basis either. Should I fail in that endeavour I will then consider whether the prosecution history is able to unambiguously resolve the point.
35. The Request argues that the scope of the claim is unclear since the nature of the fibre reinforcement is not set out in the Patent. This is contradicted in the Observations and asserted again in the Reply.
36. It is indeed the case that the Patent says nothing about how the fibre reinforcement is achieved and thus has no explicitly defined scope in this regard.
37. Since the Request is directed only to the question of infringement, the validity of the Patent is not in question here. Thus, since the Patent does not explain the nature of the fibre reinforcement, I must assume for the purposes of this Opinion that fibre reinforcement methods were common general knowledge in the art at the priority date of the Patent. Otherwise, the skilled person would not be enabled to work the Patent.
38. Thus, it may be that evidence about the common general knowledge about fibre reinforcement would usefully inform the scope of this element of the claim. However, since none of the submissions have provided information about the common general knowledge, I do not have any basis to distinguish between different types of fibre reinforcement and must assume that all fall within the scope of the claim.
39. Considering the prior art referred to in the Reply. Even if the construed Claim encompasses the reinforcement disclosed EP0447877A1 the overall Claim is not anticipated or rendered obvious and so a narrow construction on this point is not necessitated by EP0447877A1.
40. This still leaves the question of what is meant by 'said core is reinforced'.

41. The relevant feature of claim 1 is set out above and the only references to fibres in the description are found in paragraphs 7 and 37 [bold added].

*[0007] In a first broad independent aspect, the invention provides a decking plank comprising a core with plastics material; said core acting as a support beam; one or more layers and said core melded together without the use of adhesives; one or the layer having a top surface with a relief; whereby one or the layer forms an outer slip resistant covering layer; **characterised in that said core is reinforced by fibres**; and the or one layer of the plank comprises an elastomer and a filler; whereby the or one layer is relatively soft compared to said core which is relatively hard; and the core acts as a support beam whilst the or one layer has a cushioning effect.*

*[0037] The decking plank of the invention does not necessarily need to have a separate wooden or metallic support beam. It may be sufficient for layer 202 for example, to be strong enough on its own. In other words, **the filled "encapsulating resin" may be strengthened by, for example, the use of fibres** or any other appropriate strengthening material*

42. Para. 7 is a statement of invention corresponding to an earlier version of claim 1. The reference to fibres is identical to that in the current claim 1 and thus para. 7 does not usefully add information to that found in the claim itself.
43. Para. 37 likely relates to Fig. 14 where encapsulating layer 202 is found. In Fig. 14 203 is a softer walking surface and 201 is a tunnel through the core in this version of the decking plank.

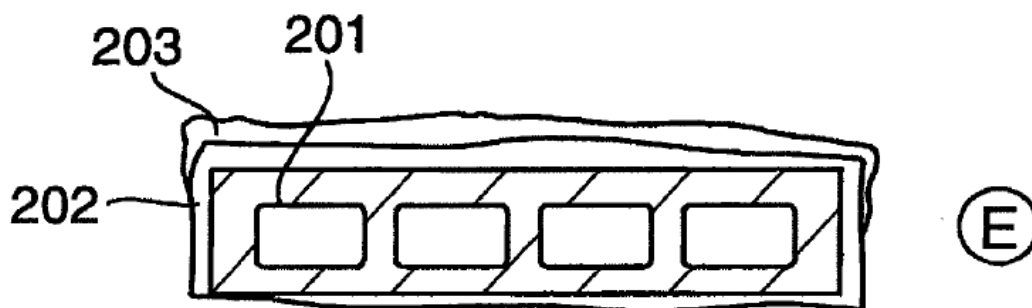


FIG. 14

44. The Observations argue that para. 37 envisages a core with a layer of fibres and that cores with multiple layers are clearly envisaged more generally.
45. The Reply argues in turn that para. 37 relates to a layer separate from the core providing the decking plank with strength and possibly negating the need for a core or a core acting as a support beam altogether.
46. I think that the skilled reader would not draw the conclusions from para. 37 set out in the Observations. Para. 37 relates to a layer which is not the core and suggests such

a layer could be strengthened sufficiently to supersede the core's support beam role. Thus, the passage relates to non-core reinforcement as suggested in the Reply and does not inform the skilled reader about the nature of the core or its fibre reinforcement.

47. What Para. 37 does suggest is that where the Patent talks about strengthening a particular part of the plank (the filled layer) it does mean strengthening that part in particular and not the plank overall. The skilled reader would reasonably conclude that this reasoning would apply to the similar concept of reinforcement and that any reinforcement of a part would have to reinforce that part in particular.
48. Thus, I think that the skilled reader would construe the Claim as requiring the fibre reinforcement to be incorporated into the core, and that fibres in some other part of the plank could not be said to be reinforcing the core.
49. Hence, it seems to be entirely possible to construe this element of the claim clearly by reference to the specification and claims alone and that reference to the contents of the file under the first condition in Actavis is unnecessary.
50. I would also note at this point that the construction adopted above is in line with the passage quoted from pre-grant proceeding, which suggests that even if the pre-grant proceedings had been considered it would not have materially affected construction of this claim element.

Infringement

51. Section 60 Patents Act 1977 governs what constitutes infringement of a patent; Section 60(1) reads:

Subject to the provision of this section, a person infringes a patent for an invention if, but only if, while the patent is in force, he does any of the following things in the United Kingdom in relation to the invention without the consent of the proprietor of the patent, that is to say -

- (a) where the invention is a product, he makes, disposes of, offers to dispose of, uses or imports the product or keeps it whether for disposal or otherwise;*
- (b) where the invention is a process, he uses the process or he offers it for use in the United Kingdom when he knows, or it is obvious to a reasonable person in the circumstances, that its use there without the consent of the proprietor would be an infringement of the patent;*
- (c) where the invention is a process, he disposes of, offers to dispose of, uses or imports any product obtained directly by means of that process or keeps any such product whether for disposal or otherwise.*

52. The Request asks whether certain acts would infringe the Patent in the abstract, rather than asking about actual current or previous acts. Therefore, consideration of the facts of any act is not possible and I can only provide an opinion about whether the Product meets the terms of the Claim of the Patent.

53. The request provides a description of the Bamtech Product (the Product) and something of its manufacture with helpful diagrams and photographs.
54. The Product is stated to be a composite floor board including a foamed layer and other layers.

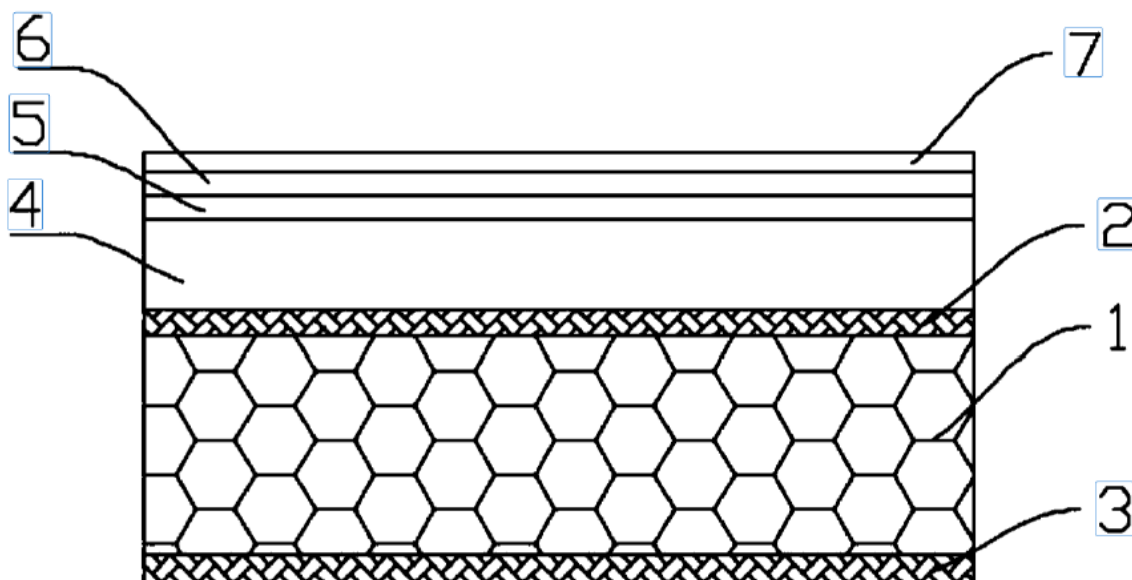


FIG. 1

55. The upper layers shown are protective paint (7), top paint (6) and primer (5) and arguments relating to these layers have not been raised.
56. The rubber layer (4) is stated to be made of a cast polyurethane elastomer material.
57. There are then braided fibre layers (2) (3) above and below a 'core' (1) which is a lattice or honeycomb structure with a plurality of gaps. I shall hereafter refer to this element as the 'lattice' to avoid confusion with the 'core' as specified in the Claim.
58. The request states that the lattice can provide strength against compression forces whilst the fibres can provide strength against bending force.
59. The request states that the gaps in the lattice are filled with a hard polyurethane foam and later describes a moulding process involving the polyurethane foam. I will quote this section directly:

During the moulding process, the polyurethane foam material releases a large amount of heat while it is foamed, and the polyurethane foam material in contact with the mold produces a crust. The heat and pressure generated by the polyurethane foam material enable fusion of the layers 4, 5, 6, 7, the fiber layer 2, and the core 1. The fiber layers 2 and 3 laid on the upper and lower surfaces of the core 1 are combined with the polyurethane foam material to form respectively continuous upper and lower fiber layers.

60. The result of this moulding is shown in Fig. 2 of the Request.

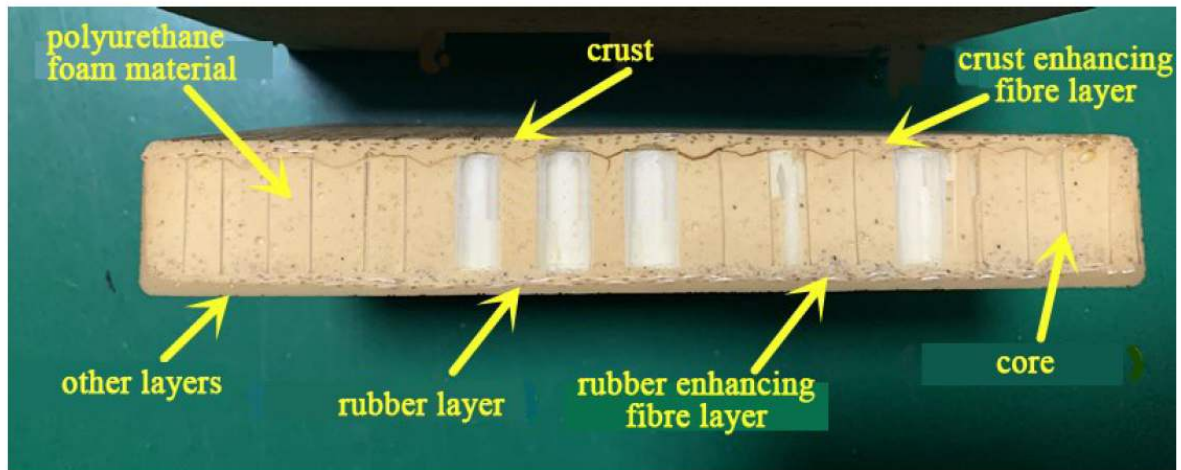


FIG. 2

61. Finally, the request provides photographs of sample Products.



FIG. 3A

62. The Request provides an integer by integer comparison between the Claim and the Product and only raises arguments that the Product is distinguished with respect to the 'decking plank' and 'said core is reinforced by fibres' integers. For completeness I will briefly discuss the other integers and assess the Product against them.

a core (2) with plastics material; said core (2) acting as a support beam;

63. It is clear that at least some part of layers (1)-(3) of the product acts as a support beam and that these layers include foamed polyurethane, which is a plastic. Hence, the product meets this requirement of the claim.

one or more layers (3, 4) melded together without the use of adhesives;

64. The moulding process described in the Request says that the heat and pressure generated by the foam fuses the various layers. This seems to amount to a form of melding without adhesives and this requirement of the claim is met.

one or the layer having a top surface with a relief; whereby one or the layer forms an outer slip resistant covering layer (4);

65. Fig. 3A clearly shows a wood grain like relief on the upper surface of the Product, but no explicit mention is made in the Request of slip resistance. However, Para. 24 of the Patent suggests 'the grains of an antique piece of wood' as a relief pattern and that the relief will assist the non-slip properties of the decking plank. It is reasonable to assume that the wood grain pattern of the Product would behave similarly and provide an equivalent non-slip effect. Thus, the Product meets this requirement of the Claim.

the or one layer (3) of the plank comprises an elastomer and a filler;

66. The Request states that the rubber layer (4) comprises elastomer material, but no explicit mention is made of fillers. Since the Request does not attempt to distinguish the Product on this point, I shall assume that this is because the rubber layer (4) includes filler and that this requirement of the Claim is met.

whereby the or one layer (3) is relatively soft compared to said core (2) which is relatively hard;

67. The Request does not explicitly comment upon the relative hardness of the various layers. The polyurethane foam filling the lattice is specified as being hard whilst nothing is said about the hardness of the rubber or paint layers. Given that the Request has not argued that the core is not relatively harder than the rubber/paint layers I think I must accept that the Product meets this requirement of the claim despite the lack of explicit evidence.

the core acts as a support beam whilst the or one layer has a cushioning effect.

68. The relationship between the core and the support beam is specified earlier in the Claim and met by the Product. The layer having a cushioning effect would follow from it being softer than the core and this Claim element does not meaningfully add to that requirement. Thus, it follows from the discussion of the softer layer that the Product also meets this claim requirement.

69. Having dealt with the uncontested claim integers, I will move on to the two which the Request asserts distinguish the Product from the Claim and which are under dispute.

a decking plank

70. The Request argues that the Product is a floor board which is intended to be laid on a floor and supported along its entire length. It does not state that it is not capable of supporting weight without significant bending when laid across separated support points but this is arguably implied by the Request.

71. The Observations make reference to a promotional video for the Product:
<https://www.youtube.com/watch?v=juo6cXcrxIk>
72. The video includes a demonstration of a length of the Product laid between two support points and supporting the wheel of a vehicle. I have snipped this image from the video.

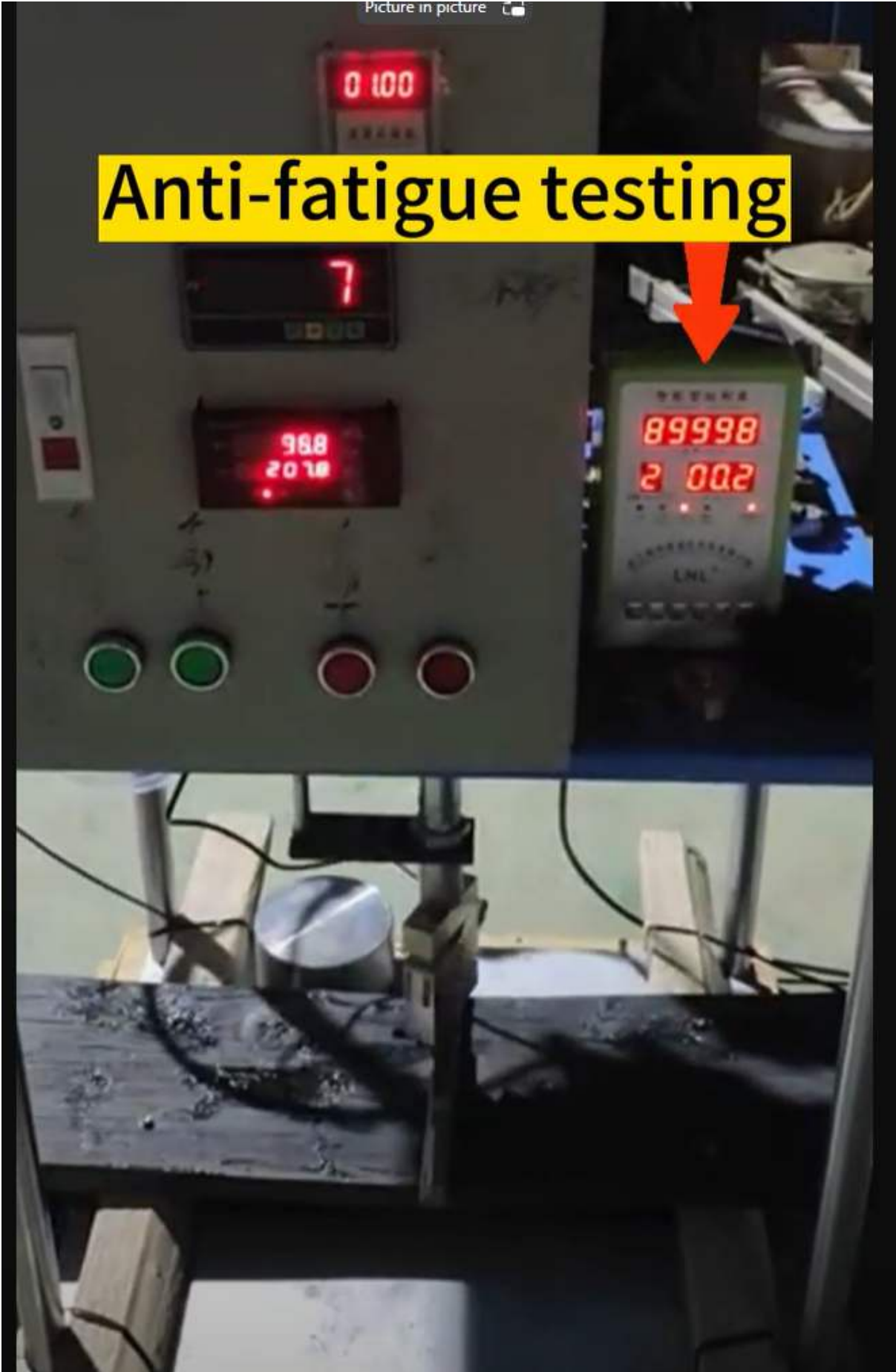


73. Elsewhere in the video the flexibility of the Product is demonstrated with a person oscillating one end of the board and causing bending along its length. This image is snipped from the video clip of that demonstration.



74. The video also shows a fatigue test where an example of the Product is suspended between two support beams and a loading force is repeatedly applied. Each application bends the Product somewhat.

Anti-fatigue testing



75. The Reply does not comment upon the video or assert that the demonstration shown therein is not representative of the Product.
76. The demonstration in the video shows that when carrying the weight of part of a vehicle the Product undergoes some bending.
77. There are some difficulties with applying this piece of evidence. The weight applied by the vehicle tyre is not known and estimating it involves some supposition.
78. The vehicle appears to be some sort of SUV, so a conservative weight estimate would be 2 tonnes, which suggests 500kg per wheel using crude division. However, the wheel does not seem to be entirely supported by the Product. So, the product is carrying some unknown fraction of this 500kg. Nonetheless, this fraction will probably be somewhat more than the weight of a person, say 100kg as a generous approximation.
79. The other factor to consider is the support spacing. If one assumes a 225mm wide tyre the support spacing would appear to be 250mm or thereabouts. Slightly less than the typical 3/400mm support spacing.
80. Thus, if one were to consider the bending caused by the weight of a person across a 3/400mm span there would be a significant reduction due to the reduced weight countered by a slight increase due to the increased span. The net result would probably be less bending than that seen in the video and the bending would arguably not amount to significant bending.
81. The flexibility demonstration does raise some questions about how much weight/force is needed to bend the Product. However, even here the amount of bending within a 3/400mm section appears to be limited and I do not think that this is enough to contradict what is shown in the car loading demonstration.
82. Similarly, it cannot be readily discerned from the video how much load is being applied to the Product in the anti-fatigue test. As a result it is not possible to extrapolate how much bending would occur were a person load to be applied to the Product.
83. It would have been open to the Requester to provide information about the performance of the plank with respect to bending under load in order to rebut the evidence and arguments in the Observations. However, the Reply did not include any evidence or argument relating to how the Product would bend when carrying loads and it would seem that the Requestor is not contesting what is shown in the video.
84. Thus, whilst there are uncertainties around the video evidence provided with the Observations, on balance I think the evidence shows that the Product would not bend significantly when carrying a person's weight between support points and would thus amount to a decking plank as required by the claim.

said core is reinforced by fibres

85. The Request argues that the core of the Product is only the part containing the lattice and that the parts containing the fibres are separate layers 'applied' to the top and

bottom of this 'core'. Thus, the fibres are not incorporated into the core and cannot be said to be reinforcing it.

86. The argument in the Observations on this point distils into an assertion that the fibre layers aren't separate from the core and that the core is reinforced by fibres.
87. The Reply reasserts the distinction drawn between the lattice and fibre layers saying that only the lattice layer is the core.
88. From these arguments it seems that the question to be determined is what part of the Product would the skilled person consider to be the 'core' as specified in the Claim.
89. Going back to the Claim the 'core' is 'acting as a support beam', so it would also be appropriate to ask what part of the Product would the skilled person consider to be acting as a support beam.
90. Prior to the moulding described in the Request it would appear to be the case that the lattice and the braided fibre layers are distinct elements, probably inserted into a mould along with the rubber and paint layers. However, prior to the moulding the distinct elements do not arguably amount to the finished Product and this is not the appropriate state in which to consider things.
91. During the moulding process as described in the Request the foam fills gaps in the lattice and is 'combined' with the fibre layers to form 'continuous upper and lower fiber layers'. The nature of the combination is not detailed but looking at Fig. 2 of the Request it appears likely that the polyurethane foam expands into voids between the fibres. Thus, it would seem to be the case that after moulding there is a layer/block of polyurethane foam within which the lattice and the braided fibre layers are embedded and with the rubber/paint layers attached to one side thereof.
92. The question now is which part of this finished structure would the skilled person consider to be 'acting as a support beam' or the 'core' of the Product?
93. The Request indicates that the lattice filled part provides support against compression force and the fibre filled parts provide support against bending forces. This would suggest that the lattice and fibres are intended to complement each other and that all three layers act together to provide support.
94. Considering the interpretation offered in the Request, a distinction is drawn between the part of the product providing compressive strength and the part providing bending strength. Nothing in the Patent suggests that the support beam is intended to support against a particular force and there is no reason for the skilled reader to infer the distinction suggested by the Request and discount the fibre layers from being part of the core/support beam.
95. Similarly, the Claim does not further limit the nature of the core beyond its acting as a support beam and being reinforced by fibres per se. The Patent is silent upon whether the core could be composite in nature with multiple layers and there is nothing to suggest to the skilled reader that cores of this nature are not intended to be covered.

96. If the lattice filled part and the fibre filled parts had been separated by intervening layers/structures then it could be argued that they did not amount to a core/support beam and the skilled person would have to decide which part was the core/support beam. However, since the lattice filled part and fibre filled parts are contiguous within the Product and all the parts fulfil support functions there does not seem to be a reasonable basis to consider some of the parts to be the core/support beam whilst others are not. Thus, it seems likely that the skilled person looking at the Product would consider the combination of all three layers amounted to a 'support beam' and by implication the core of the Product.
97. Thus, I think that skilled person would consider the combination of lattice and fibre layers of the Product to be the core/support beam as specified in the Claim, and from this it follows that the fibre layers are incorporated within the core in the Product and the fibres are reinforcing the core as required by the Claim.
98. Thus, I think that the Product meets each of the requirements specified in the Claim and that it falls within the scope of the protection defined by the Claim.

Equivalents

99. Since I think that the Product falls within the scope of the Claim as normally construed it is not necessary to consider the question of equivalents.

Opinion

100. In answer to the question in the original request, it is my opinion that disposal and use in the UK and importation into the UK of the Product described in the Request would amount to an infringement of claim 1 of EP1951971B1.

Owen Wheeler
Examiner

NOTE

This opinion is not based on the outcome of fully litigated proceedings. Rather, it is based on whatever material the persons requesting the opinion and filing observations have chosen to put before the Office.