

OPINION UNDER SECTION 74A

Patent	EP(UK)4376670
Proprietor(s)	Solar Buddies Ltd
Exclusive Licensee	
Requester	Sirius IP Ltd on behalf of Solar Buddies Ltd.
Observer(s)	Solar Swipe
Date Opinion issued	26 February 2026

The Request

1. The Comptroller has been requested by Sirius IP Ltd. (the Requester) to issue an opinion as to whether EP(UK)4376670 (the Patent) is infringed by the Solar Swipe Sunscreen Applicator (the Product). The Request specifically refers to claim 1 of the Patent.
2. The Request includes links to the website of Solar Swipe and several online marketplaces offering the Sunscreen Applicator, along with images of parts of the web pages.

<https://solarswipe.store/product-category/applicators/>

<https://www.onbuy.com/gb/p/solar-swipe-sunscreen-applicator-for-kids-and-adults-portable-washable-easy-on-the-go-sunscreen-application-for-any-age-and-skin-olive-beige~p141519719/>

<https://ninthavenue.uk/products/solar-swipe-sunscreen-applicator-for-kids-and-adults-portable-washable-easy-on-the-go-sunscreen-application-for-any-age-and-skin-blue-green>

<https://www.u-buy.co.uk/product/M1KRI4RQQ-sunscreen-applicator-purple-pink-portable-bpa-free-refillable-roll-on-suncream-applicator-suncream-lotion-applicator-for-kids-adults>

<https://www.shoparize.com/uk/p/sunscreen-applicator-for-kids-and-adults-portable-washable-easy-on-the-go-sunscreen-application-for-any-age-and-skin-purple-pink/197644216499/>

3. A copy of an order acknowledgement of an order placed by the Requester for the Product was also included with the Request.
4. I note that the Annex to the Request includes a link to another similar sunscreen applicator, the Ayava Sunshell Sunscreen Applicator. However, this product is not mentioned elsewhere in the Request and no request for an opinion about this product is present, therefore I shall not consider it further.
5. No observations on the Request have been filed.

The Patent

6. The Patent was filed on 2022-05-03, claiming a priority date of 2021-07-26 and was granted, as EP4376670B1, on 2025-10-15. It is entitled Skin Lotion Dispenser.
7. The Patent has a single embodiment, best shown in Fig. 1

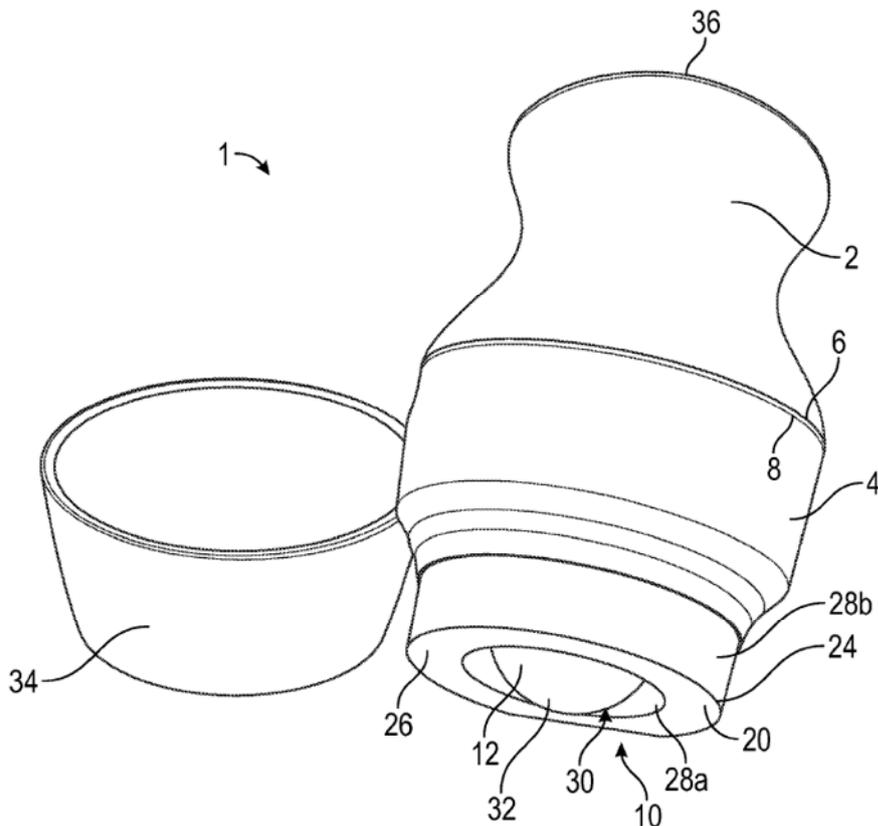


FIG. 1

8. The main elements of the embodiment are a refillable lotion housing 2 and a collar 4 which can be removed from the housing to open it to allow filling. The collar includes a dispensing valve in the form of a rollerball 12, used to dispense the lotion, and an annular sponge 20, used to spread the dispensed lotion. The Patent description also

specifies that the sponge is attached permanently using adhesive/glue.

9. The Patent has a single independent claim, claim 1, which is identified in the Request and reads:

*A refillable skin lotion dispenser comprising:
a refillable lotion housing having an openable collar located at or adjacent a first end thereof, the collar comprising:
a dispensing valve configured to dispense lotion therethrough under gravity;
and
an annular sponge permanently secured to the collar by adhesive and configured to surround the dispensing valve so as to be operative to spread dispensed lotion over an area of skin,
in which the annular sponge comprises a first end configured to be permanently secured to the collar and an opposed second end defining an application surface, and side portions extending therebetween defining an opening within which the dispensing valve is located.*

Infringement

10. Section 60 Patents Act 1977 (the Act) governs what constitutes infringement of a patent. Since the Request relates to claim 1 of the Patent which is a product claim, Section 60(1)(a) is relevant. This 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) ...
(c) ...*

7. In the Supreme Court in *Actavis v Eli Lilly*¹, Lord Neuberger stated that the problem of infringement is best approached by addressing two issues, each of which is to be considered through the eyes of the notional addressee of the patent in suit, i.e. the person skilled in the relevant art. Those issues are:

(i) does the variant infringe any of the claims as a matter of normal interpretation; and, if not,

(ii) does the variant nonetheless infringe because it varies from the invention in a way or ways which is or are immaterial?

11. If the answer is “yes”, there is infringement; otherwise, there is not.

¹ *Actavis UK Limited and Others v Eli Lilly and Company* [2017] UKSC 48.

Claim Construction

12. Before I can determine whether there would be infringement of the claims of the Patent, I must first construe them. This means interpreting them in light of the description and drawings as instructed by Section 125(1). In doing so 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 would have understood the patentee to be using the language of the claims to mean. This approach has been confirmed in the decisions of the High Court in *Mylan v Yeda*² and the Court of Appeal in *Actavis v ICOS*³.
13. The Request does not explicitly address claim construction or proffer a person skilled in the art (hereafter Skilled Person). Given this, I consider that the Skilled Person would be a designer of equipment for storing, dispensing and/or applying creams, lotions and liquids which are to be applied externally to people.
14. Claim 1 can largely be straightforwardly understood, however I will comment on a couple of points.
15. I am construing 'openable collar' to mean a collar which can open to provide access to the refillable lotion housing. This is what occurs when the collar of the embodiment is removed from the housing and seems to be the only reasonably understanding of 'openable' in context.
16. Claim 1 specifies that the annular sponge comprises a first end 'configured to be permanently secured to the collar'. The description does not discuss the fitment beyond specifying the use of glue or hot adhesive and does not indicate any special configuration of the end of the sponge. From this, configuration of the sponge end appears to require nothing more than would be normal/implicit in glueing/securing the sponge to the collar, for example being the right size/shape to fit the collar, and I will construe it accordingly.

The Product

17. The Solar Swipe website includes various descriptive passages and photographs which provide an understanding of the Product.

² *Generics UK Ltd (t/a Mylan) v Yeda Research and Dev. Co. Ltd & Anor* [2017] EWHC 2629 (Pat)

³ *Actavis Group & Ors v ICOS Corp & Eli Lilly & Co.* [2017] EWCA Civ 1671



Your Ultimate Sun Care Companion – Easy, Mess-Free, and Fun!

Step 1: Unscrew the Bottle

Step 2: Fill The cat shaped reservoir with sunscreen of your choice.

Step 3. Screw the bottle together

Step 4. Shake the contents towards to roller ball

Step 5. Apply to the body * Sponge will assist while rubbing in the sunscreen.

Step 6. Wash your Solar Swipe and it' ready

Why Solar Swipe is a Must-Have: to reuse for your next sunscreen.

- ✓ Effortless Application: The rollerball sponge mechanism ensures smooth, even coverage every time.
- ✓ Refillable & Eco-Friendly: Reduce waste by refilling the reservoir with your favorite sunscreen.
- ✓ Mess-Free Design: No more sticky fingers or uneven application. Perfect for on-the-go sun care!
- ✓ Family-Friendly: Easy for kids to use, making sun protection fun and hassle-free.
- ✓ Playful & Stylish: The cat-face design adds a touch of fun to your sun care routine.

Pro Tips for Best Results:

Shake Before Use: Give your Solar Swipe a gentle shake to ensure the sunscreen is evenly distributed.

Clean the Sponge: Rinse the sponge with warm water after use to keep it fresh and ready for next time.

Store in a Cool Place: Keep your Solar Swipe away from direct sunlight when not in use to maintain the quality of the sunscreen.

Perfect for Every Adventure!

Whether you're heading to the beach, hiking, or just enjoying a sunny day in the backyard, Solar Swipe is your go-to sunscreen applicator. It's portable, easy to use, and designed to make sun protection a breeze.

Grab Your Solar Swipe Today and Make Sun Care Simple, Fun, and Mess-Free!

For the Beach

For the Park

For Every Sunny Day!

Solar Swipe – Because Sun Protection Should Be as Fun as the Sun Itself!



18. Additionally, the www.u-buy.co.uk website includes review images which provide some close-up detail of the Product.





Does the Product Infringe the Patent as a matter of normal interpretation?

19. From website information above it can be seen that the Product clearly has a refillable skin lotion [sunscreen] housing [the refillable reservoir], a collar [the white 'sponge mechanism'] which is openable [it can be unscrewed to allow (re)filling of the reservoir].
20. It can be seen that the collar includes a gravity dispensing valve [a rollerball, the

same valve used in the embodiment of the Invention] and an annular sponge surrounding the valve [visible in several photographs and the text discusses sponge cleaning] operative to spread dispensed lotion over an area of skin [Step 5 ... sponge will assist while rubbing in the sunscreen].

21. Since the sponge is assisting in rubbing in the sunscreen the exposed end of the sponge implicitly defines an application surface. The end of the sponge attached to the collar is clearly configured to attach to the collar according to the construction discussed above. It can be seen in the photographs above that sponge has side portions between the ends which define an opening in which the valve is located.
22. Thus, the evidence provided with the Request shows that the Product has all of the elements specified in claim 1 except two, that the sponge is secured to the collar using adhesive and that that securing is permanent.
23. The Claim Comparison Annex to the Request asserts 'The sponge is affixed with glue to the white collar portion.'. With respect to the permanence of that fixing, it simply asserts YES against the related claim features.
24. The Request does not explain the reasoning behind these assertions or refer to specific evidence which supports them.
25. I have been unable to find anything in the websites referred to in the Request indicating how the sponge and collar are secured to each other.
26. I note that the Solar Swipe website does not offer sponges as a spare/replacement item. If users were supposed to remove and replace sponges it seems likely that the website would have offered such consumables for sale. This suggests that the sponges are not supposed to be removed/replaced and by implication are permanently attached. However, this is somewhat speculative analysis and at best tenuous evidence.
27. Hence, there is no good evidence to support or contradict the Request's assertions and the absence of any observations means no challenge has been made to the assertions. Thus, I will accept the Request's assertions and come to an opinion on the basis that the sponge is permanently secured to the collar using adhesive in the Product.
28. Given this, my opinion is that the Product has all of the features of claim 1 of the Patent and falls within the scope of claim 1 of the Patent as a matter of normal interpretation.

Activities within the UK?

29. The Request states that the Patent owner is aware of the Product being offered for sale and being sold in the UK, and an order acknowledgement relating to the supply of the Product to a UK address is attached to the request, presumably in support of this assertion.
30. The Request does not expand upon this assertion that the Product is being

sold/offered for sale in the UK.

31. The Solar Swipe website indicates that they are based in the United States (US) and gives a US address for product returns. Additionally, the Order Acknowledgment shows a £31 delivery charge which suggests that the Product is being directly shipped from overseas. Given this it seems that Solar Swipe are, for the most part, carrying out activities in the US. There is no evidence that Solar Swipe are making or selling the Product in the UK or importing the Product into the UK themselves.
32. The evidence provided is presumed to show that the Product is being offered for sale in the UK. However, no precedent or argument is offered as to why this is the case.
33. With respect to the other web sites listed in the Request it is not immediately clear where the websites are based or where products are shipped from. Furthermore, some are marketplaces where the website is not the seller which complicates matters further. The Request does not discuss the basis for asserting that any of these websites is selling or offering for sale in the UK.
34. As a result, I do not consider that the Request includes enough information to allow me to reach a reasoned conclusion on this aspect of infringement.

Opinion

35. It is my opinion that the Product (Solar Swipe Sunscreen Applicator) falls within the scope of claim 1 of the Patent (EP(UK)4376670).
36. If any of the acts set out in Section 60 of the Act are carried out in the UK in relation to the Product, then such acts would infringe the Patent.

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.