



# ADDLESHAW BOOTH & CO

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## FAX

Date 1st September 1998 Number of pages including this page  
From Stuart Jackson Direct line +44 (0)113 209 2391  
Our reference SJA/HLF/28397-2 Email [sja@addleshaw-booth.co.uk](mailto:sja@addleshaw-booth.co.uk)

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To Taylor Joynson Garrett  
Your reference: SCC  
0171 936 2666

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Dear Sirs

### **Nutrinova Nutrition Specialties and Food Ingredients GmbH and Nutrinova UK Limited -v- Scanchem UK Limited**

We refer to the writ, statement of claim and particulars of infringement served in this action.

- 1 We note that the first plaintiff is resident abroad, whilst the second plaintiff is a newly formed limited company which has not yet published any accounts. Please provide credible evidence that the plaintiffs will be able to pay the defendant's costs if successful in its defence, failing which our client will apply for an order for security for costs.
- 2 Paragraph 1 of the statement of claim states that the first plaintiff is and has at all material times been the proprietor of European Patent (UK) Number 155,634 (the "Patent"). We note that both the European Patent Register and the register of the United Kingdom Patent Office gave the name of the proprietor of the Patent as at the day after service of the writ as being Hoechst Aktiengesellschaft. Please provide an explanation, and explain the entitlement of the first plaintiff to bring proceedings for infringement.
- 3 Paragraph 2 of the statement of claim states that the second plaintiff is an exclusive licensee under the Patent. In view of the fact that no such exclusive licence is

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#### Confidentiality notice

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registered at the United Kingdom Patent Office, please explain the entitlement of the second plaintiff to bring an action for infringement and to claim damages.

- 4 RSC Order 104 Rule 5(2) requires the plaintiff in an action for patent infringement to serve with his statement of claim particulars of the infringement relied on giving at least one instance of each type of infringement alleged. Please provide such information, including some definite incidence of the importing, offering for sale and sale of allegedly infringement material, and a description of the process for the manufacture of the said allegedly infringing material showing clearly what steps or combination of steps are alleged to infringe.

Unless we receive the above mentioned evidence, explanation and particulars by close of business on Monday 7th September 1998, our client will:

- 1 apply for an order for security for costs, and
- 2 apply to the court for an order for the statement of claim to be struck out as disclosing no reasonable cause of action, and for the action to be dismissed.

Yours faithfully

*Addleshaw Booth & Co*