

# TAYLOR JOYNSON GARRETT

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RECEIVED

8 SEP 1998

BY FAX & POST

8 September 1998

Dear Sirs

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

We refer to your letter of 1 September. Dealing with your various numbered points:-

1. (i) As you know, Nutrinova GmbH is a German Company. It has substantial assets in Germany in excess of 105 million Deutsch Marks and is a wholly owned subsidiary of Hoechst AG. We believe that in view of the Brussels Convention, the Court would view these assets as adequate, and this would preclude the need for an award of security.
- (ii) Nutrinova UK is indeed a newly formed limited company which is why it has not yet published any accounts. However, we can tell you that the company currently has net assets of in excess of £300,000.

In light of this information, we assume that you will not be pursuing any application for security.

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- 2 & 3      The position is as follows. Hoechst AG was the proprietor of the patent in suit. On 20 August 1998, Hoechst AG assigned the patent in suit together with all rights of action to Nutrinova GmbH. On 25 August 1998, Nutrinova GmbH granted Nutrinova UK an exclusive licence under the patent in suit. These documents are being registered at the UK Patent Office.
4.      We do not accept that any further particulars need to be put into the pleadings which have so far been served. The pleadings are adequate as they are. Your clients are of course fully aware of the various infringing acts which they have carried out. In respect of the 'importing', that is plain from your letter of 24 August. In respect of 'offering for sale', we refer you to your client's Sweeteners brochure entitled "Excellence Through Integration" which advertises Acesulfame K for sale.

Yours faithfully

*Taylor Joyson Garrett*

TAYLOR JOYNSON GARRETT