

**PATENTS ACT 1977**

CLAIMANT	Cygnnet Texkimp Limited
DEFENDANT	Crompton Technology Group Limited
ISSUE	References under sections 12, 13 and rule 10 in respect of EP patent application EP18275106.5 and related applications
HEARING OFFICER	H Jones

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**DECISION ON COSTS**

**Introduction**

- 1 This decision and the consequent order relate to costs arising from the defendant's successful defence of a claim to entitlement to various patent applications brought by the claimant. In my substantive decision on the matter ([BL O/543/22](#)), I said that the defendant was entitled to an award of costs in its favour and that I did not expect to depart from the standard scale of costs set out at Annex A of [Tribunal Practice Notice 2/2016](#). I invited further submissions from both sides and duly received a further submission from the defendant.

**Assessment**

- 2 The defendant says that in view of the relative complexity of the matter and the late amendment to the statement of case made by the claimant, it would be appropriate for the defendant to be awarded costs equal to the maximum allowable according to the standard scale, i.e. £650 for preparing a statement and considering the other side's statement; £2200 for preparing evidence and considering the other side's evidence; £1600 for preparing and attending a one-day hearing; and £1000 for expenses.
- 3 The defendant has provided a detailed breakdown of the expenses it considers justified to be included in the costs award, these being the additional renewal fees payable to the European Patent Office as a consequence of staying the grant proceedings pending a final determination in these proceedings, net of the renewal fees that would have been payable before national offices had the patent proceeded to grant sooner. I consider that the defendant is entitled to be reimbursed the cost of these official fees.
- 4 As for an award of costs at the top of the scale, in my experience this case did not

involve a substantial amount of evidence (the hearing bundle ran to just short of 400 pages) and the claimant's late application to amend the statement of case, which was largely anticipated by the defendant, appeared to cause little inconvenience. Balanced against this is the fact that the claimant has not submitted its own submission on costs when invited to do so, so does not challenge the defendant's position. In the circumstances, I am prepared to allow the award of costs that the defendant is seeking.

### **Order**

- 5 I hereby order Cygnet Texkimp Limited to pay Crompton Technology Group Limited the sum of £5450 as a contribution towards its costs, this sum to be paid within seven days of the expiry of the appeal period below.

### **Appeal**

- 6 Any appeal must be lodged within 28 days after the date of this decision.

**Huw Jones**

Deputy Director, acting for the Comptroller