Claim Form

In the	**High Court of Justice, Business and Property Courts (ChD), Intellectual Property List, Patents Court**
Fee Account no.	
Help with Fees - Ref no. (if applicable)	– –

HIGH COURT OF JUSTICE ★ THE BUSINESS & PROPERTY COURTS OF ENGLAND & WALES ★
23 May 2025

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For court use only	
Claim no.	HP-2025-000028
Issue date	

Claimant(s) name(s) and address(es) including postcode

KURARAY EUROPE GMBH
Philipp-Reis-Straße 4 D-65795 Hattersheim am Main, Germany

SEAL

Defendant(s) name and address(es) including postcode

SEKISUI CHEMICAL CO., LTD
4-4, Nishitemma 2-chome
Kita-ku, Osaka-shi
Osaka 530-8565, Japan

Brief details of claim

The Claimant seeks the following relief in relation to the following patents:
a) European Patent (UK) No. 2 017 237 B2
b) European Patent (UK) No. 3 208 247 B1
c) European Patent (UK) No. 3 357 888 B1
(together "the Patents")

1. A declaration that the Patents and/or each of them are invalid.
2. An Order that the Patents and/or each of them be revoked.
3. Costs together with interest thereon.
4. Further or other relief.

Value

N/A

Defendant's name and address for service including postcode

Sekisui Chemical Co., Ltd
1) Hoffman Eitle, Harmsworth House, 3rd Floor, 13-15 Bouverie Street, London, EC4Y 8DP
(2) Ip21 Limited Central Formalities Department, Suite 2, Elm Farm Busines Park, Norwich, NR18 0SW

	£
Amount claimed	N/A
Court fee	646
Legal representative's costs	TBA
Total amount	Unspecified

For further details of the courts www.gov.uk/find-court-tribunal.
When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

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Claim no.	

You must indicate your preferred County Court Hearing Centre for hearings here (see notes for guidance)

High Court of Justice, Business and Property Courts (ChD), Intellectual Property List, Patents Court

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☐ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

☑ No

Does, or will, your claim include any issues under the Human Rights Act 1998?

☐ Yes

☑ No

Claim no.	

Particulars of Claim

☑ attached

☐ to follow

Statement of truth

Note: you are reminded that a copy of this claim form must be served on all other parties.

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ **I believe** that the facts stated in this claim form and any attached sheets are true.

☑ **The claimant** believes that the facts stated in this claim form and any attached sheets are true. **I am authorised** by the claimant to sign this statement.

Signature

[redacted]

☐ Claimant

☐ Litigation friend (where claimant is a child or protected party)

☑ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
23	05	2025

Full name

Stella Wong

Name of claimant's legal representative's firm

Hogan Lovells International LLP

If signing on behalf of firm or company give position or office held

Partner

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

Atlantic House

Second line of address

50 Holborn Viaduct

Town or city

London

County (optional)

Postcode

E	C	1	A	2	F	G

If applicable

Phone number

020 7296 2000

DX number

Your Ref.

CM3/SW/JAG

Email

stella.wong@hoganlovells.com

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form:
https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter

Claim No.

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERT COURTS OF ENGLAND AND WALES
INTELLECTUAL PROPERTY LIST (ChD)
PATENTS COURT

B E T W E E N

KURARAY EUROPE GMBH

(a company incorporated in Germany)

Claimant

and

SEKISUI CHEMICAL CO., LTD

(a company incorporated in Japan)

Defendant

PARTICULARS OF CLAIM

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1. The Claimant is a company incorporated and existing under the laws of Germany. Its registered address is at Philipp-Reis-Straße 4 D-65795 Hattersheim am Main, Germany.

2. The Defendant is a company incorporated and existing under the laws of Japan. Its registered address at 4-4, Nishitemma 2-chome, Kita-ku, Osaka-shi, Osaka 530-8565, Japan.

3. The Defendant is the registered proprietor of:

   a) European Patent (UK) No. 2,017,237 B2 ("**EP 237**")

   b) European Patent (UK) No. 3,208,247 B1 ("**EP 247**")

   c) European Patent (UK) No. 3,357,888 B1 ("**EP 888**")

   (together, "the **Patents**").

4. Each of the Patents is in force.

5. Each of the Patents is invalid for the reasons set out in the Grounds of Invalidity served herewith.

AND THE CLAIMANTS CLAIM,

(1) A declaration that the Patents and/or each of them are and has always been invalid;

(2) An order that the Patents and/or each of them be revoked;

(3) Costs and interest thereon; and

(4) Further or other relief.

Hogan Lovells International LLP

STATEMENT OF TRUTH

The Claimant believes that the facts stated in this Particulars of Claim are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I am authorised by the Claimant to sign this statement

Signed..[redacted]

Name:. Stella Wong.....

Position/Capacity:.....Partner, Hogan Lovells International LLP.....

Served on 23 May 2025 by Hogan Lovells International LLP, Atlantic House, Holborn Viaduct, London, EC1A 2F, solicitors for the Claimant.

Claim No. HP-2025-000028

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERT COURTS OF ENGLAND AND WALES
INTELLECTUAL PROPERTY LIST (ChD)
PATENTS COURT

B E T W E E N

KURARAY EUROPE GMBH

(a company incorporated in Germany)

Claimant

and

SEKISUI CHEMICAL CO., LTD

(a company incorporated in Japan)

Defendant

GROUNDS OF INVALIDITY – EP 237 & EP 247

These are the Grounds of Invalidity of the EP 237 and EP 247 Patents referred to in the Particulars of Claim. EP 247 is a divisional patent of EP 237 with materially similar claims and both are addressed together below.

Lack of Novelty

1. None of claims 1, 2 and 3 of EP 237 and claims 1, 3 and 4 of EP 247 is in respect of a patentable invention in that the subject matter thereof was not new as of their priority date having regard to the state of the art.

PARTICULARS

The Claimant relies upon the following matter:

(a) The interlayer film in the laminated glass used in the windscreen product of the Audi A4 S4 of the B7 series car (the "**Audi A4 Windscreen**") which was known for its sound-insulating properties (see Annex 1).

The Claimant relies on the following as evidence that the Audi A4 Windscreen was available to the public before the priority date of EP 237 and EP 247:

i. The purchase by the Claimant of an Audi A4 S4 of the B7 series car having the identification number WAUZZZ8EX6A164843 on 13 December 2021.

ii. The vehicle registration certificate of that car showing that it was first registered in Germany on 21 December 2005.

iii. The Audi A4 still having its original windscreen.

(b) Pursuant to s.2(3) of the Patents Act 1977, the Claimant relies on European patent application EP 1 800 855 A1 ("**Masaki**"), published on 27 June 2007, claiming a priority date of 26 December 2005 and a second priority date of 25 January 2006.

Obviousness

2. None of the claims of EP 237 and EP 247 is in respect of a patentable invention in that the subject matter thereof did not involve an inventive step as of their claimed priority date in that the same was obvious to a person skilled in the art.

PARTICULARS

3. Claim 1 of both EP 237 and EP 247 claims a sound-insulating layer having a wedge shape as its cross-sectional shape.

4. The alleged technical benefit of the wedge-shaped sound-insulating layer is described in EP 237 and EP 247 to be an excellent defoaming property, preventing foaming in the laminated glass at the time of producing a laminated glass. See paragraphs [0014] and [0057] of the specification to EP 237 and corresponding paragraphs [0017] and [0063] of the specification to EP 247.

5. This alleged technical effect of the improved defoaming property is not credibly or plausibly explained by the claimed invention and as such the claims are purely arbitrary. Without prejudice to the generality of the foregoing, and pending disclosure the Claimant relies on the following:

(a) The patent does not teach any technical reason as to why a wedge-shaped sound-insulating layer should cause the purported technical effect of improved defoaming as claimed.

(b) The test results which purport to show improved defoaming properties do not in fact show the technical effect arising from the claimed wedge-shaped feature, for example:

i. The only example in EP 237 with a wedge-shaped sound-insulating layer that falls within the claim is 'Example 3' in Table 1 (Examples 1 and 2 having acetalization properties falling outside of the claimed invention range). A comparative example having a non-wedge-shaped sound-insulating layer is

'Example 5' in Table 2. However, the differences between the examples is not limited to the shape of the sound-insulating layer: Example 3 has a cross-sectional area of the sound-insulating layer of 42mm^2 whereas Example 5 has a cross-sectional area of the sound-insulating layer of 33mm^2. The lack of comparability between the sound-insulating layers in the examples renders the conclusion that it is the wedge-shape of the sound-insulating layer that leads to the purported technical effect implausible.

ii. The testing methodology in paragraphs [0095] and [0101] of EP 237 and EP 247 respectively prescribes heating the samples at 200 °C for 2 hours, following which the samples are assessed for signs of foaming. This methodology is flawed, as heating a plasticized polyvinyl butyral resin at such a temperature over a prolonged period of time would cause the material to decompose, which further renders the results implausible and therefore not supportive of having solved the technical problem. Conventional 'bake tests' of the kind described are carried out at a maximum temperature of 140 °C, corresponding to normal temperatures during lamination for the manufacturer of laminated glass (consistent with the process described in paragraphs [0094] and [0100] of EP 237 and EP 247 respectively).

6. Further and in the alternative, if and insofar as the Defendant contends that the wedge-shaped feature of the claims of EP 237 and EP 247 solve the technical problem of foaming the Claimant will rely on the following as forming part of the state of the art:

(c) The Audi A4 Windscreen.

(d) US patent application US 2002/0086141 ("**Sauer**"), published 4 July 2002.

(e) Japanese patent application JP H 06-115980 A ("**Ueda**"), published 26 April 1994.

Insufficiency

7. The specification of each of EP 237 and EP 247 do not disclose the alleged invention clearly and completely enough for it to be performed by a person skilled in the art.

PARTICULARS

8. EP 237 and EP 247 contain a bare assertion that the claimed products are useful because the wedge-shaped sound-insulating layer has the technical effect of improved defoaming. Having regard to the matters pleaded above in relation to obviousness by lack of technical effect, from results presented in the specifications and/or from the common general knowledge, it would not have been plausible to the person skilled in

the art that the claimed products would have the technical effect of improved defoaming. In the premises, the monopoly claimed in each and every claim of the patents exceeds the technical contribution (if any) made by the patentee.

Hogan Lovells International LLP

STATEMENT OF TRUTH

The Claimant believes that the facts stated in these Grounds of Invalidity are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I am authorized by the Claimant to sign this statement.

Signe[redacted]

Name: Stella Wong.....

Position/Capacity.....Partner, Hogan Lovells International LLP.....

Served on 27 May 2025 by Hogan Lovells International LLP, Atlantic House, Holborn Viaduct, solicitors to the Claimant.

Claim No. HP-2025-000028

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERT COURTS OF ENGLAND AND WALES
INTELLECTUAL PROPERTY LIST (ChD)
PATENTS COURT

B E T W E E N

KURARAY EUROPE GMBH

(a company incorporated in Germany)

Claimant

and

SEKISUI CHEMICAL CO., LTD

(a company incorporated in Japan)

Defendant

GROUNDS OF INVALIDITY – EP 888

These are the Grounds of Invalidity of EP 888 referred to in the Particulars of Claim.

Lack of Novelty

1. None of the claims of EP 888 is in respect of a patentable invention in that the subject matter thereof was not new having regard to the state of the art as of its priority date.

PARTICULARS

The Claimant relies upon the following matter:

a) The DuPont Wedge interlayer film (the "**DuPont Wedge**"). The Claimant relies on the following as evidence of the physical characteristics of the DuPont Wedge and as evidence that it was available to the public before the priority date of EP 888:

i. The Claimant's retained sample of DuPont Wedge interlayer film from 2011.

ii. Further, or in the alternative an article, dated 7 June 2005 and published on www.glassonweb.com entitled *"The DuPont(TM) Wedge(TM) for Head-up Display Illuminates Safety, Navigation and Handling Features; Available on GM Vehicles."* (see The DuPont(TM) Wedge(TM) for Head-up Display Illuminates Safety, Navigation and Handling Features; Available on GM Vehicles | glassonweb.com, a hardcopy is at Annex 1).

b) The commercialised SEKISUI S-LEC wedge-shaped interlayer film (the "**Sekisui Film**"). Pending disclosure, the Claimant relies on the following as evidence of the physical characteristics of the Sekisui Film and as evidence that it was available to the public before the priority date of EP 888:

i. The supply in 2014 of a roll of Sekisui Film with batch number S4CG7003 and product designation SA-W HI RZR-12 by Sekisui to KCC Glass Corporation in South Korea. The Claimant has obtained a sample of the roll of Sekisui Film from KCC Glass Corporation. Based on the Claimant's knowledge of the Defendant's batch numbering of interlayer films for laminated glass, the Claimant believes that the roll of Sekisui Film was manufactured in March 2014.

ii. Further, or in the alternative, a Sekisui press release dated 1 October 2008 which announces the launch in autumn that year of its " Wedge-shaped sound and solar control film for HUD "S-LEC® SSF-W*" (S-LEC® Sound and solar control film - W)" and "Wedge-shaped sound Insulating film for HUD "S-LEC® SAF-W*" (S-LEC® Sound insulating film - W)" (see https://web.archive.org/web/20090105184151/http:/www.sekisuichemical.com/about/whatsnew/081001.html, a hardcopy is at Annex 2). The Claimant believes the Defendant has retention samples of its Sekisui Film products.

c) US Patent No. 2007/0009714 A1 ("**Lee**") published on 11 January 2007.

Obviousness

2. None of the claims of the Patent is in respect of a patentable invention in that the subject matter thereof was obvious and lacked any inventive step having regard to the state of the art as of its priority date.

PARTICULARS

3. The Claimant relies on the common general knowledge of those skilled in the art at the priority date, together with:

   (a) Lee.

   (b) European Patent No. EP 2,017,237 A1 ("**Miyai**") published on 22 November 2000.

Insufficiency

4. The specification of the Patent does not disclose the invention claimed in each and every claim thereof clearly and completely enough for it to be performed by a person skilled in the art.

PARTICULARS

5. An object of the alleged invention is said to be the provision of an interlayer film for laminated glass enabling laminated glass in which a poor appearance is suppressed to be obtained because wrinkles are hardly generated in the interlayer film (paragraph [0013] of EP 888).

6. The specification discloses methods for preparing interlayer films in the Examples. Data on thermal shrinkage of the prepared interlayer films under heat/no heat conditions for various periods of time is shown in Table 1.

7. The data in Table 1 is not plausible/lacks scientific credibility because:

   i. It was CGK that the thermal shrinkage ratio of extruded polymers was reduced by methods such as relaxation heat treatment.

   ii. It was therefore expected that the greater the length of time the extruded polymer is exposed to relaxation heat treatment the lower the thermal shrinkage. However this is not shown by the data in Table 1. For example, it would be expected that the thermal shrinkage of Example 1 (with relaxation heat treatment of 1 minute) would be lower than the thermal shrinkage of Example 5 (with shorter relaxation heat treatment of 30 seconds) and that of Comparative Example 1 (no relaxation heat treatment but this is not the case.

8. From results presented in the specification and/or from the common general knowledge, it would not have been plausible to the person skilled in the art that the claimed products would

have reduced wrinkling. In the premises, EP 888 does not teach the skilled person to perform the claimed invention without undue burden or at all. The monopoly claimed in each and every claim of the patents exceeds the technical contribution (if any) made by the patentee.

***AgrEvo* Obviousness**

9. Having regard to the matters pleaded above in relation to insufficiency, the technical problem set out in EP 888 is not plausibly or credibly solved by the claimed invention. Accordingly, none of the claims of EP 888 involves an inventive step.

Hogan Lovells International LLP

STATEMENT OF TRUTH

The Claimant believes that the facts stated in these Grounds of Invalidity are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I am authorised by the Claimant to sign this statement.

Sign [redacted]

Name: Stella Wong.....

Position/Capacity.....Partner, Hogan Lovells International LLP.....

Served on 27 May 2025 by Hogan Lovells International LLP, Atlantic House, Holborn Viaduct, solicitors to the Claimant.