

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No HQ04X03580

BETWEEN :-



CREATIVE RESINS INTERNATIONAL LIMITED

Claimant

- and -

(1) GLASSLAM EUROPE LIMITED
(2) DONNE MILEHAM & HADDOCK (a firm)
(3) STEPHEN HOWES

Defendants

TOMLIN ORDER

UPON hearing Counsel for the Claimant and Counsel for the First Defendant

AND UPON the Claimant and the First Defendant having agreed to the terms of settlement set out in the schedule attached as Schedule A hereto

IT IS ORDERED that:

1. The First Defendant be and is hereby restrained whether by its directors, officers, servants or agents or otherwise howsoever from publishing or causing or permitted to be published the following words defamatory of the Claimant:
 - (a) that there is a defect in the manufacturing process used by the Claimant which causes the laminate to crack after a period of time; and
 - (b) that the First Defendant and/or its parent company has had to obtain an injunction against the Claimant on a previous occasion in Germany in 2002 arising from an infringement of the First Defendant's intellectual property rights and therefore that the Claimant has a history of infringing activity

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or any defamatory words to similar effect, save as may be required in the legal proceedings under Claim Number PAT05033, with liberty to apply

1A. The First Defendant do pay the Claimant the sum of £60,000 on account of the costs ordered to be paid at paragraph 3 below by 4.00pm on Friday 22 December 2006.

AND BY CONSENT IT IS ORDERED AND DIRECTED that:

2. All further proceedings in this action be stayed except for the purpose of carrying the said terms into effect, and that the Claimant and the First Defendant have permission to apply for the purpose of carrying the said terms into effect.

3. The First Defendant do pay the Claimant its costs of the claim against the First Defendant to be assessed on the indemnity basis up to and including 4 October 2006 and on the standard basis thereafter, if not agreed.

4. There be payment out to the Claimant's solicitors of the sum of £2,500 paid into Court on 21 December 2004, with interest accrued thereon to be paid to the First Defendant's solicitors.

Dated the 30th day of November 2006

SCHEDULE A TO THE ORDER

The following terms have been agreed between the Claimant and the First Defendant in full and final settlement of all of the Claimant's claims against the First Defendant herein.

1. The First Defendant agrees to submit to an injunction in the terms set out at paragraph 1 of the Order to which this Schedule is attached.
2. The First Defendant agrees to pay to the Claimant the sum of £5,000 by way of damages, with the balance outstanding (after payment out pursuant to paragraph 4 of the said Order of the sum paid into Court) to be paid by 4.00pm on Friday 15 December 2006.
3. The First Defendant agrees to pay to the Claimant its costs as set out at paragraph 3 of the said Order.
4. The First Defendant agrees to join with the Claimant in the making of a Statement in Court (subject only to the approval of the High Court Judge) in the terms of the Statement signed by the Claimant's and the First Defendant's solicitors and attached as Schedule B hereto.
5. The Claimant agrees and undertakes that it will not apply for permission to issue proceedings for contempt of Court, or take any step with a view to securing the bringing of such proceedings, against Mr Philip Popple in respect of any Statement of Truth signed by him in connection with these proceedings.



DATED the 30th day of November 2006

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QUEEN'S BENCH DIVISION

MR JUSTICE EADY

BETWEEN:

CREATIVE RESINS INTERNATIONAL LIMITED

-and-

1) GLASSLAM EUROPE LIMITED

2) DONNE MILEHAM & HADDOCK (a firm)

3) STEPHEN HOWES

ORDER
TLQJ/06/0169
Court 13

Cripps Harries Hall
DX 3954
Tunbridge Wells

Ref: PGL/SLA/CR50298.000002

Solicitor for the Claimant

Brachers
DX 4806
Maidstone 1

Ref: 110.207.TF.GLA1086-1

Solicitors for the Defendant

cc. Clerk of the Lists

If you have a query with this order please contact Martin Smith on telephone no. 020 7947 6424 between 9.30am to 4.30pm. Please address any correspondence to the Queen's Bench Associates, Room EB.16, DX 44450 Strand, fax 020 947 7698