



JD/cms

Managing Director
Thysis Building Products Ltd
1 Heslington Court
Heslington
York
YO10 5EX

16th October 2006

Dear Sirs

**EUROPEAN PATENT (UK) NO.0340856
IN THE NAME OF Ubbink (UK) LTD ("the PATENT")**

As legal and beneficial owners of the Patent, you (Thysis Building Products Limited) have asked us to consider whether your Over-Fascia Vented Eaves Protector and Bird Comb product ("your product") infringes the Patent. For your benefit, we have set out a detailed legal analysis, however, we have also summarised our conclusions at the end of this letter.

Claim 1 of the Patent has the following features:

- a) A roof ventilator unit in the shape of an elongate profiled member,
- b) having integrally formed spacers
- c) and adapted to be mounted on a fascia board so that said unit and board define there between a ventilation space,
- d) the said unit comprising filter means being integrally formed with the member substantially to extend across the ventilation space,
- e) a plurality of tooth elements projecting from the upper side of and,
- f) integrally formed with the elongate member to engage (in use) the underside of an external roof covering, and
- g) a drip skirt constituted by the extended outer (in use) edge of the profiled member,

characterised in that

- h) the inner (in use) edge region of the profiled member is extended to constitute an anti-ponding strip, and in that,
- i) the profiled member is generally angular in cross-section and,
- j) adapted so that in use the said tooth elements carrying portion of its inner edge region overlies and is spaced from the upper edge face of the fascia board and,
- k) its outer edge region is in front and spaced from at least the upper portion and front face of the fascia board,
- l) said spacers being spaced at intervals along the profiled member.

Ubbink (UK) Ltd

Borough Road Brackley Northants NN13 7TB England Telephone (0845) 4563499 Administration fax (01280) 705331 Sales fax (01280) 705332
email: info@ubbink.co.uk web: www.ubbink.co.uk

Registered Office: As above Registered in England: 1168143 Bankers: Barclays Bank PLC, Brackley, Account No. 60900141



We have had an opportunity to inspect your Product and whilst we consider that it reproduces certain features of Claim 1, it does not reproduce all of them. Therefore, your Product falls outside of the literal meaning of the Claim 1.

Where there is a variant between a product and the terms of a claim, a series of questions must be considered to determine whether the product with the variant falls within the terms of the claim in the absence of literal infringement. Those questions are now generally known as the "protocol" questions and are as follows:-

- 1) Does the variant have a material effect upon the way the invention works? If yes, the variant is outside the claim. If no,
- 2) would this (i.e. that the variant had no material effect) have been obvious at the date of publication of the patent to a reader skilled in the art? If no, the variant is outside the claim. If yes,
- 3) would the reader skilled in the art nevertheless have understood from the language of the claim that the patentee intended that strict compliance with the primary meaning was an essential requirement of the invention? If yes, the variant is outside the claim.

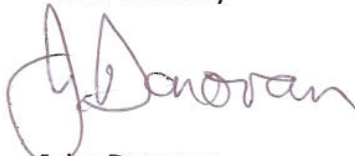
Having considered those questions we conclude that the variant, and therefore your Product, falls outside Claim 1.

CONCLUSION

In summary, we acknowledge that the Patent is not infringed by your Product. This includes, without limitation, acts of manufacture, disposal, offers of disposal, use, importation, and keeping (for disposal or otherwise).

For the avoidance of doubt, manufacture and/or importation of a roof ventilator unit having all of the features of Claim 1 of the Patent constitutes infringement of the Patent, and would be vigorously pursued by us.

Yours faithfully



John Donovan
For and on behalf Ubbink (UK) Limited