



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY

From: The Registrar, Supreme Court of Appeal
Date: 15 December 2016
Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

Neutral citation: *Pasadena v Resca* (137/2016) [2016] ZASCA 204 (15 December 2016)

The issue in this matter is whether a lockable holster manufactured by the first appellant and disposed of by both appellants infringes patent ZA 98/6778 of which the respondents are the joint registered proprietors. The respondents had successfully sued the appellants in the Court of the Commissioner of Patents which concluded that the respondents' holster infringed the patent.

On appeal, the Supreme Court of Appeal today concluded otherwise. It held that in order for there to be an infringement of the respondents' patent, there had to be shown that each and every essential integer of the patented invention was present in the holster made and disposed of by the appellants. On the facts of this case, it was held that an essential integer, namely a second camming surface which, should there be an unauthorised attempt to withdraw a firearm from the holster, operated to cause a locking mechanism to be inserted deeper into the holster and lock the weapon more securely, was not present in the appellants' holster.

The Supreme Court of Appeal therefore upheld the appeal and set aside the order of the court a quo to the extent that it found that there had been an infringement of the patent.

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