

IN THE SUPREME COURT OF NEW ZEALAND

**SC 36/2010
[2010] NZSC 65**

BETWEEN	STEELBRO NEW ZEALAND LIMITED Applicant
AND	HAMMAR MASKIN AB First Respondent
AND	BENGT-OLOF HAMMAR Second Respondent
AND	HAMMAR NEW ZEALAND LIMITED Third Respondent

Court: Elias CJ, Blanchard and McGrath JJ

Counsel: J G Miles QC and G W Hall for Applicant
B W F Brown QC for Respondents

Judgment: 11 June 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed with costs of \$2,500 to the respondents.

REASONS

[1] This is an application for leave to appeal against a finding by the Court of Appeal,¹ reversing the High Court,² that Steelbro has infringed Hammar's patent for stabiliser legs on sidelifters, which provide stability for vehicles during the loading and unloading of, inter alia, shipping containers. The dispute is about the meaning of an integer of the patent claim, namely, of the words “an extension part of which is

¹ *Hammar Maskin AB v Steelbro New Zealand Ltd* [2010] NZCA 83 per Glazebrook, Ellen France and Baragwanath JJ.

² *Hammar Maskin AB v Steelbro New Zealand Ltd* HC Christchurch CIV-2006-409-000977, 8 October 2008, per Panckhurst J.

movably arranged in a bearing in the first support part”. In essence, the dispute is whether that integer refers to a bearing in the form of a separate physical component or to a bearing relationship between two other components.

[2] Neither party takes issue with this Court's statement of the rules for interpretation of a patent claim in *Lucas v Peterson Portable Sawing Systems Ltd*³. The current contention is about how the Court of Appeal applied those rules in the particular case. We are not persuaded that the applicant has raised any arguable matter which is of significance other than to the parties themselves nor, in light of the principles stated in *Lucas*, is there any appearance of error of such a substantial character that it would be repugnant to justice to allow it to go uncorrected. The conclusion reached by the Court of Appeal cannot be said to be obviously wrong.

Solicitors:
Buddle Findlay, Auckland for Applicant
Henry Hughes & Co, Wellington for Respondents

³ *Lucas v Peterson Portable Sawing Systems Ltd* [2006] 3 NZLR 721 (SC) at [25]–[28].