

Press Release

8th April 2003

Smart Vent Injunction Granted Against Cameron Balloons

The judgement was handed down on 7th April 2003 in the patent infringement case started in December 2000 by Kavanagh Balloons against Cameron Balloons.

Cameron Balloons has been found guilty of infringing the Smart Vent patent and a court injunction has been granted, which prevents Cameron Balloons from making and selling balloons fitted with Smart Vent from now on.

Cameron Balloons has been instructed to pay damages for their infringement of the patent. The amount of damages, as well as the extent of the division of costs for the case has yet to be finalized.

For us this was a disappointing but necessary action. Cameron was the first manufacturer to receive a licence to use the Smart Vent after our invention of the device back in 1994. By 1998 Cameron had stopped payment of royalties, claiming the Smart Vent had been invented years before in the USA. By the end of 2000 negotiations had degenerated to the point where we had no option but to take action against Cameron Balloons.

In an attempt to break the patent and defend their position, Cameron joined forces with Mark West from Aerostar in the US and the Australian Cameron agent Peter Vizzard to put forward the story of prior use of the Smart Vent system.

For us, given the success of the Smart Vent since 1994, this story of pre-invention was not believable. Whatever was done must not have worked or been safe or it would have been picked up and used right there and then.

During the recent trial the same story used by Peter Vizzard in his failed challenge to the Australian patent back in 1997 was again put forward, this time with additional support from Mark West and a couple of his Aerostar dealers.

Three out of the twelve claims in the patent were found to be invalid by the judge's acceptance of the prior use claim by Wilsey in 1986. A further two claims were ruled invalid for involving no inventive step over those ruled invalid by the prior use claim.

What this means is that the judge ruled that the so called "Wilsey" rigging probably had been invented prior to 1994. The other areas of the patent that have made the Smart Vent a marketable and very safe product were held valid and found to be infringed by Cameron.

The Wilsey rigging does not include the necessary Smart Vent features which make the vent reliable and safe to operate. To date, Cameron UK & US, Aerostar and Ultramagic (all without licence) have used the Smart Vent system of rigging as described in our patent to make a safe, reliable and reversible fast deflation system. Without the complete Smart Vent rigging system, you are left with a vent that does not reset in a reliable manner and is prone to stalling - in a few words, the wilsey rigging used alone is dangerous.

It is not our intention to restrict the use of our revolutionary Smart Vent deflation system.

At present, Kubicek Balloons, Schroeder Balloons, Head Balloons, and Lindstrand US have agreements to manufacture the Smart Vent under licence.

All manufacturers not already licenced are invited to begin negotiations for a licence to produce Smart Vent and Lite Vent. For more information on the Lite Vent range of deflation systems visit our website.

Phil Kavanagh



**KAVANAGH
BALLOONS
AUSTRALIA**

PTY LTD (Incorporated in NSW)
ACN 078 369 221 ABN 17 648 174 516

PO Box 53,

Mount Kuring-Gai, NSW 2080

Telephone: (02) 9457 8060 or (02) 9457 8795

Facsimile: (02) 9457 8403