



IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

RULE 16A

I; the undersigned:

SAMELE SIRIYA

Do hereby Swear / affirm that I will truly and honestly demean myself in terms of the practice rule 16(A) uniform rules of court;

CASE: 2001/1608-4

PARTIES: MICROSOFT (SA) (PTY) LTD (Respondent/Defendant) vs
YOU FIRST MOBILE (PTY) LTD (Applicant/Plaintiff)

1(a) Any person raising a constitutional issues in an application of action shall be given notice therefore to the registrar at the time of filling the relevant affidavit or pleading:

(b) Such notice shall contain a clear and succinct description of the constitutional issues concerned.

(c) The registrar shall, upon receipt of such notice, forthwith place it on a notice board designed for that purpose.

(d) the notice shall be stamped by the registrar to indicate the date upon which it was placed on the notice board and shall remain on the notice board for a period of 20 days

DEPONENT: _____

RECEIVED BY THE REGISTRAR
SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATISERING/VERKOOP X57
PRETORIA 0001
2020 -07- 21
T. M. LEGODI
REGISTRAR'S CLERK
GRIFFIER VAN DIE HOE HOF VAN
SUID-AFRIKA, GAUTENG AFDELING, PRETORIA

Sworn/Affirmed before me in the High Court, Gauteng Division

dated at Pretoria this 22 day of July 2018

IN THE COURT OF THE COMMISSIONER OF PATENTS
FOR THE REPUBLIC OF SOUTH AFRICA

PATENT/CASE NUMBER: 2001/1608-4

In the matter between:

MICROSOFT (SA) (PTY) LTD



Applicant/Defendant

and

YOU FIRST MOBILE (PTY) LTD

Respondent/Plaintiff

NOTICE IN TERMS OF RULE 16A

TAKE NOTICE that the above respondent/plaintiff has raised the following constitutional issues in the application filed under the above case number:

1. Section 17(2) of the patent's Act, Act 57 of 1978 (hereinafter the "Act"), be declared irrational and unconstitutional for the following reasons:
 - 1.1. Section 17(2) – is inconsistent, and therefore invalid, to the rights conferred to litigants in terms of Section 9 of the Constitution of South Africa, which right provides therefore that litigants are entitled to equality before the law and equal protection and benefit of the law;

- 1.2. Section 17(2) – is inconsistent, and therefore invalid, with Section 25(1) of the Constitution of South Africa and the right not to be deprived of property arbitrarily.
- 1.3. Section 17(2) – places an unreasonable and unjustifiable limitation on the rights conferred to litigants in terms of Section 34 of the Constitution of the Republic of South Africa.

TAKE NOTICE FURTHER that any party interested in the aforementioned constitutional issue may, with the written consent of all the parties to the proceedings, given by no later than twenty (20) days after the posting of this notice, be admitted to these proceedings as *amicus curiae*, upon such terms and conditions as may be agreed upon in writing between the parties.

KINDLY place this notice on the notice board designated for this purpose and ensure that the notice remains on that notice board for a period of twenty (20), whereafter you shall endorse the notice to state on which day the notice was placed on the notice board and, on the expiry of the twenty (20) days period, place such endorsed notice in the Court file.

Dated at Pretoria on the 19th day of **JUNE 2020**.



Victor Williams
Respondent/Plaintiff's Patent Attorneys
HAHN & HAHN
Hahn Forum, 222 Richard Street
Hatfield, Pretoria

0083

Tel: 012 342 1774
Ref: 2001/1608/VW/kb

TO:

THE ABOVE HONOURABLE COURT
PATENT OFFICE
PRETORIA

AND TO:

The Minister of Trade and Industry
Dti Campus
77 Meintjies Street
Block A
Floor 3
Sunnyside
Pretora

AND TO:

The Companies and Intellectual Property Commission
Dti Campus
77 Meintjies Street
Block F
Sunnypark
Pretora

AND TO:

ADAMS & ADAMS
Defendant's Patent Attorneys
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