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**IN THE FEDERAL COURT OF AUSTRALIA  
VICTORIA DISTRICT REGISTRY**

**No. VID 882 of 2007**

**WRIGHT RUBBER PRODUCTS PTY LTD (ACN 075384100)**

Applicant

**BAYER AG**  
First Respondent

**BAYER AUSTRALIA LTD (ACN 000138714)**  
Second Respondent

**CHEMTURA CORPORATION**  
Third Respondent

**CROMPTON MANUFACTURING COMPANY, INC**  
Fourth Respondent

**CHEMTURA AUSTRALIA PTY LTD (ACN 005225507)**  
Fifth Respondent

**APPLICANT'S FURTHER AND BETTER PARTICULARS OF THE SECOND AMENDED  
STATEMENT OF CLAIM**

To the Third and Fifth Respondents' Request for Further and Better Particulars dated 20 August 2010 herein the Applicant says as follows:

**Definitions**

Terms defined in the Second Amended Statement of Claim filed on 2 August 2010 (**SASOC**) have the same meaning when used in these Further and Better Particulars.

**Paragraph 13**

1. As to paragraph 1:

Particulars are provided to paragraph 13 regarding other persons with whom the Foreign Respondents competed from time to time throughout the world.

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**Filed on behalf of:**  
**Filed by:**  
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**IN THE FEDERAL COURT OF AUSTRALIA (FCA)  
VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA  
GENERAL DIVISION**

**No: VID882/2007**

**NOTICE OF FILING**

This document was filed electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on  
27/08/2010.

**DETAILS OF FILING**

**Document Lodged:** Particulars (included Further and Better)  
**File Number:** VID882/2007  
**File Title:** Wright Rubber Products Pty Ltd -v- Bayer AG & Ors  
**District Registry:** VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



★ **Dated:** 27/08/2010

**Registrar**

*Wendell Soden*

**Note**

This Notice forms part of the document and contains information that might otherwise appear elsewhere in the document. The Notice must be included in the document served on each party to the proceeding.

The Third and Fifth Respondents have previously sought similar particulars (Third and Fifth Respondents' Request for Further & Better Particulars of the Applicant's Statement of Claim dated 4 February 2008). The Applicant provided further particulars (Further and Better Particulars provided pursuant to request of the Third and Fifth Respondents dated 4 February 2008 dated 20 March 2008). The particulars provided at that time have been included in the Statement of Claim (refer particulars to paragraph 38 SASOC).

The applicant has provided the best particulars currently available to it and further particulars are not necessary to enable the Respondents to understand and meet the allegations pleaded against them. Further particulars will be provided, if required, following the completion of discovery by your clients.

2. As to paragraph 2:

The respondents are alleged to have been in competition with "other persons" at all material times, from time to time. "Material times" means the Cartel Period for all Respondents except Uniroyal which as pleaded at 9(e) merged into Chemtura on 31 December 2006 and ceased to exist as a separate legal entity.

The Applicant is unable to provide further particulars. Further particulars will be provided, if required, following the completion of discovery by your clients.

3. As to paragraph 3:

The Applicant repeats its response to paragraph 1 above.

4. As to paragraph 4:

The Applicant repeats its response to paragraph 2 above.

5. As to paragraph 5:

The Applicant repeats paragraphs 4 to 12 and 14 to 38 inclusive of and the particulars and schedules to the SASOC. Further particulars may be provided following the completion of discovery but are otherwise a matter for evidence.

6. As to paragraph 6:

The Applicant repeats its response in paragraph 5 above.

**Paragraph 36**

7. As to paragraph 7:

Each other respondent as made plain in paragraph 36.

8. As to paragraph 8:

The Applicant refers to the particulars already provided of those paragraphs. The Applicant has provided the best particulars currently available to it. The further particulars sought are not necessary to enable your clients to understand and meet the allegations pleaded against them, particularly given that the request enquires after matters within the knowledge of your clients (including their officers, servants and agents) which your clients sought to conceal. The request is otherwise an objectionable request for evidence and further particulars are not required. We refer you to our client's submissions before the docket judge and on appeal in relation to the relevant case law and provisions of Order 12 Rules 3 and 5(2)&(3). Further particulars may be provided, if required, following the completion of discovery by your clients.

9. As to paragraph 9:

The Applicant repeats its response to paragraph 8 above.

10. As to paragraph 10:

The Applicant repeats its response to paragraph 8 above

Dated: 27 August 2010

*Maurice Blackburn Lawyers*

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**Maurice Blackburn Pty Limited**  
**Solicitors for the Applicant**