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MEDIA RELEASE

BAROKES WINS DAVID & GOLIATH CHALLENGE IN THE HAGUE – EUROPEAN PATENT FOR VINSAFE® (WINE IN A CAN) PACKAGING TECHNOLOGY CONFIRMED

Barokes Wines, the owners of the thriving Australian export, wine in a can, was back in Court on 17 February 2009, this time at The Hague in The Netherlands defending the challenge to its European patent for its wine in a can packaging system (Vinsafe®).

Although the European Patent Office granted the Vinsafe® patent in 2005, it was quickly challenged by a number of large well resourced global companies, including:

1. Sektkellerei Schloss Wachenheim AG/Vintalia Weinhandels GmbH & Co. KG
2. Rexam Beverage Can Company
3. Crown Packaging UK PLC
4. Prinz Max Emmanuel von Thurn & Taxis
5. Gargantas De Lata S.R.L
6. Herman Pfanner Getränke Gesellschaft mbH
7. Société Fermière Des Produits Cacolac
8. Aloys, Günther
9. Sektkellerei Peter Herres GmbH
10. Ball Packaging Europe GmbH

The hearing was held at the European Patent Office (EPO) in The Hague. Of the ten challengers (an unusually large number of opponents), only representatives from the three global packaging companies (Rexam, Ball & Crown) attended the hearing. Their challenges were based on arguments against the granting of the patent, all of which Barokes convincingly defeated. As a result the Patent Hearing Panel unanimously confirmed the validity of Barokes' European wine in a can (Vinsafe®) patent.

Although a relatively small player on the global stage, Barokes was well placed to win this 'David & Goliath' battle, particularly given its significant win against global packaging company, Amcor Packaging (Australia), when the Australian Patent Office confirmed that Barokes owned the innovation patent for wine in a can (Vinsafe®). This followed a protracted three year battle with Amcor which challenged the validity of Barokes' Vinsafe® patent.

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Barokes CEO and co founder, Greg Stokes, says “the favourable decision in Australia allowed Barokes to get on with the business of licensing its technology to Australian wine producers so that they could in turn participate in this new global wine category that Barokes has created and promote their products to new markets”. Since then a number of Australian and New Zealand wine producers have licensed the Vinsafe® technology and are producing their own canned wine offering, including major wine producer, Australian Vintage, with the assurance of this proven, reliable and globally patented wine packaging system. This successful product category is based on the Vinsafe® wine in a can packaging system that has been the only globally recognised ‘platform’ to achieve premium quality wine in a can.

Stokes was always confident that the EPO would confirm the validity of the European Patent for the Vinsafe® wine in a can packaging system. “I fully expect that most of the challengers will work with Barokes to license our Vinsafe® technology following the Patent Office confirmation, particularly as a number of them are currently behind infringing copy wine in a can products”, said Stokes.

“We welcome the opportunity to work with other wine producers, filling companies or can manufacturers to explore the opportunities which this new category presents to them as it is only through the use of the Vinsafe® wine in a can packaging system that they can be assured of quality, stability and longevity,” said Stokes.

The confirmation by the EPO of the Barokes patent for wine in a can, in the face of this unusually large number of opponents, now allows others to access the only globally recognised technology platform for wine in a can that delivers premium quality, stability and longevity, thus providing consumers with the Vinsafe® seal of quality and assurance that comes with the use of a proven technology platform. This challenge has also demonstrated that others now appreciate what Barokes have created, a new category for wine globally - WINE IN A CAN!

This significant ‘win’ by a small Australian company against the resources that global companies have put against it only further proves the value of Barokes, wine in a can (Vinsafe®) technology and is truly a ‘David & Goliath’ triumph.

Strike up another win for the little Aussie battler!

- ENDS -

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ABOUT BAROKES

Barokes is unique in that it was the first to create a complete wine packaging system based on a platform that involves all three key aspects of successfully putting wine in a can, that of the wine, the can and filling specifications. Barokes has perfected this technology to produce and deliver premium quality wine in an individually sized, sealed 250ml and 200ml can. The innovative Vinsafe® wine packaging system is the world's first globally patented wine in a can technology. Barokes is internationally recognised as the leader in the field of wine in a can technology and has produced a range of wines renowned for premium quality, stability and longevity. Over a decade of extensive research and development has been committed to creating this purpose build product for the global wine market. The current range includes a Cabernet Shiraz Merlot, Chardonnay Semillon, Rosé, Sparkling Cabernet Shiraz Merlot, Sparkling Chardonnay Semillon and Sparkling Rosé. These international award winning wines (28 medals to date) are taking export markets by storm with Barokes currently exporting to over 30 international markets. Barokes' patents for wine in a can cover over 40 countries to date. For more information, please visit <http://www.wineinacan.com>

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