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Novartis v. J&J, High Court of England and Wales (Patents Court) High Court of England and Wales (Patents Court), 10 July 2009

Robert Burrows (Bristows) · Friday, July 10th, 2009 · Landmark European Patent Cases

The High Court dismissed Novartis' claim for infringement of its EP(UK) patent for ophthalmically compatible extended wear contact lenses. Although Novartis established that the defendants' product falls within certain claims of the patent, and successfully resisted Johnson & Johnson's novelty and obviousness attacks, the patent was found invalid for insufficiency. The Court held it would involve a research programme to identify formulations which are useful for producing an ophthalmically compatible lens suitable for extended wear. The UK Court's finding of insufficiency is of particular interest, as in parallel proceedings in the Netherlands, the Dutch Court rejected the insufficiency attack and found the patent valid at first instance.

The full text and summary of this case will be posted on <http://www.KluwerIPCases.com>.

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