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# Kluwer Patent Blog

## Oxycodone, Borgarting Appellate Court (Borgarting Lagmannrett), 20 December 2010

Kaja Veel Midtbø · Thursday, July 7th, 2011 · Landmark European Patent Cases

The Borgarting Court of Appeal overturned the district court decision which revoked the patents in suit for lack of inventive step. The Court held that even if oxycodone had been known and used to treat pain as an alternative to morphine, the skilled person could not have predicted that a controlled release formulation with oxycodone would result in lower dose variation and easier titration than existing formulations with morphine. The patents were held to satisfy the requirements for novelty and inventive step. The court dismissed ratiopharm's invalidity arguments and held that ratiopharm's oxycodone product infringed one of the patents.

Click [here](#) for the full text of this case.

A **full summary** of this case has been published on **Kluwer IP Law**.

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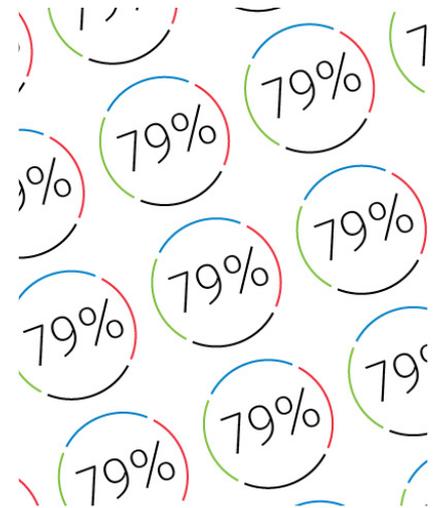
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