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The Netherlands: Synthon v. Teva, District Court of The Hague, IEF 14885, 22 April 2015

Paul Marcelis (Brinkhof) · Wednesday, September 16th, 2015

The District Court of The Hague invalidated two patents for a lack of inventive step. The patents claimed to solve two separate problems of a known production method for glatiramer acetate. The court held that one problem would be solved as a bonus effect of applying common general knowledge. Solving a problem resulting from non-application of common general knowledge cannot make the application of common general knowledge inventive. The other problem would be known to the skilled person and the claimed solution would be obvious. The (potential) existence of an alternative solution does not affect the obviousness of the claimed solution.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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