

## Coloplast A/S' claimed co-inventor ship to invention contained in patent application filed by Hollister Inc. was not proved

Kluwer Patent Blog  
November 29, 2018

Anders Valentin (Bugge Valentin)

*Please refer to this post as: Anders Valentin, 'Coloplast A/S' claimed co-inventor ship to invention contained in patent application filed by Hollister Inc. was not proved', Kluwer Patent Blog, November 29 2018, <http://patentblog.kluweriplaw.com/2018/11/29/coloplast-as-claimed-co-inventor-ship-to-invention-contained-in-patent-application-filed-by-hollister-inc-was-not-proved/>*

On November 5th 2018 the Eastern High Court of Denmark ruled in favor of Hollister Inc. in a case regarding an invention described in a patent claim filed by Hollister Inc. Coloplast A/S claimed they were co-inventors of the invention and therefore co-owners of it. However, the Eastern High Court found that Coloplast had failed to prove this and dismissed their claim.

The case concerned a patent application filed to EPO by Hollister regarding hydrophilic catheters. Coloplast claimed they were co-inventor and thus co-owner of the invention described in claim one of the patent application regarding activation of catheters by wet installation.

Coloplast based their claim on the argument that Hollister had used laboratory test results from Coloplast, which Hollister had attained from an opposition case between the two parties, to change the way claim one of Hollister's patent application was expressed. Coloplast argued that the change was based solely on Coloplast's test results and that they were co-inventors and co-owners of the invention due to this.

The Eastern High Court's verdict

In its verdict, The Eastern High Court stated that the court would not consider the validity of the patent application filed by Hollister, nor would they consider the description of claim one of the application.

Instead, the court stated that Coloplast had not claimed that the activation of catheters by wet installation was an invention made by Coloplast. On the contrary, Coloplast had acknowledged that activation of catheters by wet installation is a well-known technique used by others.

Furthermore, the court stated, that Coloplast had failed to specify in which way they had contributed to Hollister obtaining a potential patent to hydrophilic catheters by using activation of catheters by wet installation. Coloplast had not proven to have had any cooperation with Hollister about the invention, nor obtaining a co-ownership to part of the invention through such a cooperation. On these grounds, the Court ruled that Coloplast had failed to prove their co-inventor ship and dismissed their claim.

Reported by Viktor Fasmer Henum