
Kluwer Patent Blog

Patent case: Biolitec Pharma Marketing Ltd. vs. Tobrix B.V., Netherlands

Bart van Wezenbeek (Millipede) · Wednesday, May 13th, 2020

Biolitec owns a European patent on an endoluminal laser ablation device which comprises a flexible wave guide (optical fiber) which at the distal end includes a radiation emitting surface to emit radiation laterally with respect to the axis of the fiber. Tobrix commercializes two types of optical fiber for treatment of varicose veins that allegedly infringe the patent. Biolitec claimed infringement and requested inter alia an injunction, while Tobrix counterclaimed for revocation. In response, Biolitec filed several auxiliary requests.

The cited prior art documents were US patent application 2005/0131400 on endovenous closure of varicose veins with infrared laser, and a publication of Heinze et al. on modified fiber tips for light application in hollow organs.

In a parallel procedure in Italy the patent was found invalid, while in Germany the case has been bifurcated.

Case date: 15 April 2020

Case number: C/09/553579 / HA ZA 18-593

Court: District Court of The Hague

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

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please subscribe [here](#).

Want to improve
your IP strategy?

- Manual of Industrial Property
- IP Analytics
- Visser – Annotated European Patent Convention

230+ jurisdictions

36,000+ cases

100+ books

600+ IP law professionals as authors



This entry was posted on Wednesday, May 13th, 2020 at 10:14 am and is filed under [Case Law](#), [Infringement](#), [Netherlands](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.