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Generic companies v. Lundbeck, District Court The Hague (Rechtbank Den Haag), 08 April 2009

Mark van Gardingen (Brinkhof) · Wednesday, April 8th, 2009 · Landmark European Patent Cases

The District Court of The Hague held that all claims of Lundbeck's escitalopram patent were invalid for lack of inventive step. The District Court nullified the patent and also called the Dutch Supplementary Protection Certificate which was based upon the patent null. The District Court's decision contains many references to the 4 May 2007 decision of Mr Justice Kitchin of the High Court of England and Wales (Patents Court). Kitchin nullified conclusions 1 and 3 for insufficiency, but considered the patent otherwise valid. On relevant points the Dutch Court 'respectfully disagrees' with the English decisions on the basis of different/further evidence.

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

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