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# Kluwer Patent Blog

## Fluvastatina Granada, Commercial Court of Granada (Juzgado de lo Mercantil de Granada), 30 July 2009

Miquel Montaña (Clifford Chance) · Thursday, July 30th, 2009 · Landmark European Patent Cases

On 30 July 2009, the Commercial Court of Granada ordered an ex parte preliminary injunction against two companies that had obtained authorisation to market generics of sustained-release pharmaceutical compositions of Fluvastatin in Spain. Interestingly, on 27 April 2009, Commercial Court number 3 of Madrid had rejected a request for a preliminary injunction against other companies that were planning to market the same product. One of the factors that led the Court of Madrid to reject this request was the fact that opposition proceedings were pending before the European Patent Office, where many documents had been cited against the inventive step of the patent in question. However, in its judgment of 30 July 2009, the Commercial Court of Granada decided to follow a different path. The Court of Granada highlighted that the two defendants had not filed an opposition against the granting of the patent and that the opposition filed by a third party had not been successful so far. The Court concluded that, in these circumstances, the patentee was entitled to obtain a preliminary injunction.

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

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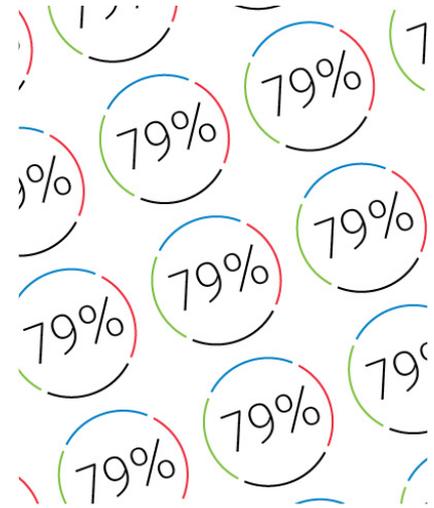
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