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Calcium Atorvastatin I, Commercial Court n.4 of Barcelona (Juzgado de lo Mercantil n.4 Barcelona), 19 October 2009

Miquel Montaña (Clifford Chance) · Monday, October 19th, 2009 · Landmark European Patent Cases

The Commercial Court Number 4 of Barcelona found that although obtaining the price for generic versions of Calcium Atorvastatin by two Spanish companies from the Ministry of Health is not an act of infringement as such, the acts carried out by the defendants constituted a threat of infringement that justified a prohibition to enter the market. The Court also ordered the judgment to be notified to the Ministry of Health so that the Ministry is aware of the prohibition when it draws up the list of medicaments to be included in the price reference system in 2010. The Court rejected the nullity counter-claim filed by the defendants, as it concluded that the obtainment of Calcium Atorvastatin would not have been obvious to the person skilled in the art.

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

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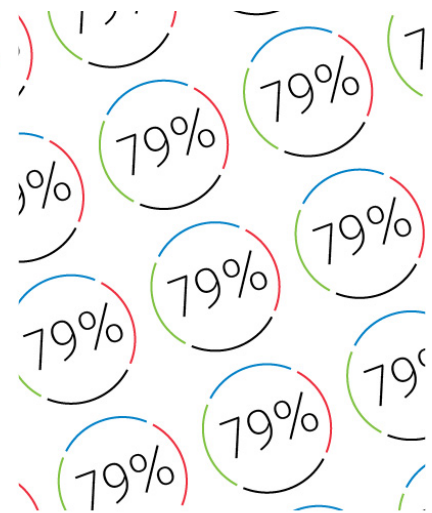
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