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Mundipharma v. Mylan, Court of Appeal Lyon (Cour d'Appel Lyon), 20 October 2009

Olivier Moussa · Monday, June 21st, 2010 · Landmark European Patent Cases

In this case the Court of Appeal of Lyon affirmed the first French judgement granting an interlocutory injunction to prevent imminent infringement of a patent. The President of the First Instance Court had not considered any argument relating to the validity of the patent, and decided that in summary proceedings, only the existence of the patent had to be verified.

The Court of Appeal took a different view and did appraise the validity of the patent. The Court took into account that no convincing prior art had been submitted and that the EPO had admitted the non-obviousness of the patent in suit. The Court did affirm the decision of the President, but subjected the injunction to the lodging by Mundipharma of a EUR 2,000,000 deposit.

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

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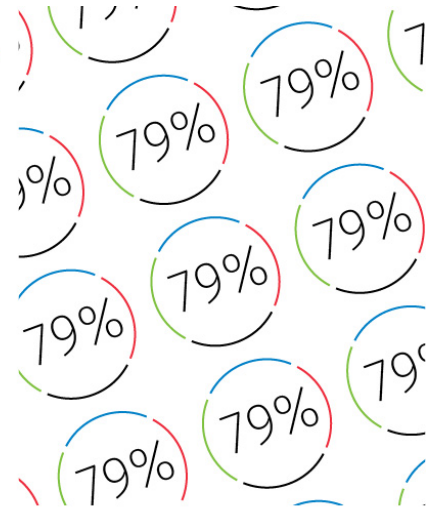
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