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# Kluwer Patent Blog

## Olanzapine, Court of Appeal Barcelona (Audiencia Provincial Barcelona), 28 June 2010

Miquel Montaña (Clifford Chance) · Monday, July 19th, 2010

In appeal proceedings against a granted *ex parte* injunction, the Court of Appeal considered that the test whether there is an imminent threat of infringement must be based on objective criteria.. There is an objective threat of infringement if the defendant obtained a marketing authorisation and a price. The Court considered the conditional intention not to launch, expressed by the defendant prior to litigation, too vague and possibly subject to change and therefore insufficient to prove that there was not an imminent threat.

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

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