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Bayer v. Abbott, Court of First Instance Amsterdam (Rechtbank Den Haag), 20 October 2010

Klaas de Vries · Monday, November 15th, 2010

The District Court of The Hague declares the Dutch part of Bayer's European Patent covering Anti-TNF alpha human monoclonal antibodies invalid. The Court considers that the patent covers high affinity antibodies. However, the Court finds that such type of antibodies is not sufficiently disclosed in the patent specification, and therefore invalidates the patent as a whole. The Court thereby deviates from the prior decision of the TBA, which did not consider the patent to comprise high affinity antibodies (and therefore deemed the whole patent to be enabled, T 0601/05). The Court reaches this decision by referring to the case T 1063/06 by the TBA, which requires the skilled person to be able to carry out the claimed invention without undue burden.

A <u>full summary</u> of this case has been published on <u>Kluwer IP Law</u>.

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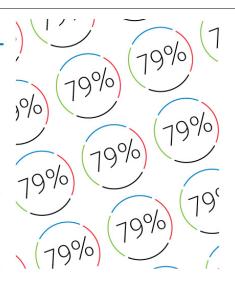
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