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Novartis v. J&J, Court of Appeal Paris (Cour d'Appel Paris), 27 October 2010

Olivier Moussa · Monday, December 6th, 2010 · Landmark European Patent Cases

This judgement is one of many issued in the worldwide litigation pending between Novartis and Johnson & Johnson concerning Novartis' patent for ophthalmically compatible extended wear contact lenses. The decision contains a recapitulation of all possible grounds for invalidity of a patent. The Court rejected the detailed claims of invalidity for lack of sufficiency, dealt with a priority issue, rejected the multiple claims for lack of novelty and denied claims of invalidity for obviousness, before it held that the patent is infringed. In doing so, the Court upheld the judgement of the Court of first instance.

The same European patent was the basis for an injunction in the Netherlands. In Germany, the Bundespatentgericht held the patent invalid. The UK High Court and the UK Court of Appeal held that the same patent was novel, inventive and infringed, but invalid for insufficiency. In the USA, the Court of Jacksonville (FLO) held that a corresponding US patent was valid and infringed.

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

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