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Escitalopram, Borgarting Appellate Court (Borgarting Lagmannrett), 29 June 2010

Kaja Veel Midtbø · Monday, January 24th, 2011 · Landmark European Patent Cases

The question in dispute was whether ratiopharm's escitalopram was produced using Lundbeck's patented process. The Court considered that a reversal of the burden of proof in favour of the patentee might, in appropriate cases, be applied for process patents. However, in this case it was not disputed that the process developed and patented by ratiopharm's manufacturer, according to which the escitalopram was made according to the defendants, could be used on an industrial scale, and the Court therefore held that no such burden of proof considerations applied. On an assessment of the evidence the Court held that ratiopharm's product was manufactured by an alternative process, not infringing Lundbeck's process patent.

Click [here](#) for the full text of this case.

A **full summary** of this case has been published on **Kluwer IP Law**.

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