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# Kluwer Patent Blog

## Atorvastatina, Court of Appeal Barcelona (Audiencia Provincial Barcelona), 2 March 2011

Miquel Montaña (Clifford Chance) · Monday, April 11th, 2011

On 2 March 2011 the Barcelona Court of Appeal handed down a judgment reversing a decision from Commercial Court n.4 of Barcelona, which rejected the patent owners' *'lis pendens'* defence against a revocation action filed by L.A. and others based on lack of inventive step.

In its judgment of 2 March 2011, the Court of Appeal noted that L.A. had previously filed a revocation action against the same patent invoking lack of novelty. According to the Court of Appeal, Article 400 of the Civil Procedure Act prevents L.A. from challenging the validity of the same patent invoking a different nullity ground.

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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