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Boehringer Ingelheim v. Teva c.s., District Court Utrecht (Rechtbank Utrecht), 15 August 2012

Peter Burgers (Brinkhof) · Thursday, September 27th, 2012

The Court decided it has jurisdiction in preliminary proceedings in respect of the alleged unlawful act by a Dutch company, consisting of facilitating – as the holder of a marketing authorization – its Portuguese fellow subsidiary to infringe the Portuguese part of a European patent and corresponding SPC in Portugal, based on Article 31 EC 44/2001 with reference to the ECJ 12 July 2012, C-616/10, Solvay/Honeywell. The court considers the Portuguese part of the patent provisionally valid according to Portuguese law, and infringed by the Portuguese subsidiary in Portugal. Hence the Dutch company holding the market authorization for the Portuguese company acts unlawfully and is enjoined.

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

A summary of this case will be posted on <http://www.KluwerIPCases.com>

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