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Finland: Sandoz vs. MSD, Supreme Court Helsinki, Market Court of Finland, 821/15, 29 April 2016

newgenblog and Elina Saxlin-Hautamäki (Roschier) · Monday, October 24th, 2016

The Finnish Market Court, as the court of first instance, ruled that the reversed burden of proof which is applied in infringement proceedings involving patents granted for manufacturing processes of novel products is also applicable in preliminary injunction matters. As the parties had submitted completely contrary expert opinions, which could not be assessed within the context of preliminary injunction proceedings, the defendant had not established that it was more likely than not that the generic product did not infringe the supplementary protection certificate in question. The court therefore granted the injunction. The Court also ruled that under certain circumstances it was allowed to add a new patent-in-suit during the preliminary injunction proceedings.

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

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