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Patent case: Biolitec Pharma Marketing Ltd. vs. Tobrix B.V., Netherlands

Bart van Wezenbeek (Hoffmann Eitle) · Wednesday, May 13th, 2020

Biolitec owns a European patent on an endoluminal laser ablation device which comprises a flexible wave guide (optical fiber) which at the distal end includes a radiation emitting surface to emit radiation laterally with respect to the axis of the fiber. Tobrix commercializes two types of optical fiber for treatment of varicose veins that allegedly infringe the patent. Biolitec claimed infringement and requested inter alia an injunction, while Tobrix counterclaimed for revocation. In response, Biolitec filed several auxiliary requests.

The cited prior art documents were US patent application 2005/0131400 on endovenous closure of varicose veins with infrared laser, and a publication of Heinze et al. on modified fiber tips for light application in hollow organs.

In a parallel procedure in Italy the patent was found invalid, while in Germany the case has been bifurcated.

Case date: 15 April 2020

Case number: C/09/553579 / HA ZA 18-593

Court: District Court of The Hague

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

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