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Patent case: Judgment no. 18/2023 of Madrid Court of Appeals (Section 32) of 23 June 2023, Spain

Adrian Crespo (Clifford Chance) · Friday, September 22nd, 2023

In a detailed and impeccably written decision, the Madrid Court of Appeal (Section 32) has ruled in the raloxifene case, awarding damages in the high seven figure region. This is a landmark decision which is likely to shape patent infringement claims and damage quantification, particularly in the pharmaceutical sector. The decision has important implications for generic companies wishing to launch at risk: the first mover(s) will be held liable for triggering regulatory price reduction and thus for the damages arising from the price gap between the innovator and the generic, even if other third parties have launched at a later point in time. The judgment contains a number of other pronouncements which will also shape future damages claims in Spain. Patent lawyers are advised to consider this decision carefully.

Case date: 23 June 2023

Case number: 18/2023

Court: Provincial Court of Madrid

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

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