



International report - IP court accepts patent infringement action against global medical device company

14
JUN 17

Gün + Partners - Turkey

In September 2015 a global medical device company filed a patent infringement action and requested a preliminary injunction against a local company for the immediate prohibition of the production and sale of medical devices on the grounds that the local company was infringing the originator company's registered patent with its medical devices.

Before filing the action, the patent practice team worked with a European patent attorney and a reputable professor working on medical devices and obtained technical opinions from them to support the claims in the action and clearly prove the infringement against the patent.

The local company argued that the patent lacked patentability criteria and that the features in the infringing product exist in every similar product, being technical necessities. Further, the local company made confusing statements regarding the time when its product was first launched on the market in order to create the impression that the patent infringement would not be granted as the plaintiff did not request the patent infringement immediately after the launch of the product.

Given the technical nature of the request, the court obtained an expert opinion from court-appointed experts to evaluate the



GÜN+PARTNERS



Maral Sayan



**Mutlu Yildirim
Köse**

patent infringement and preliminary injunction request. When the expert report confirmed the infringement, the court granted a preliminary injunction which prevented the production, sale, marketing, distribution, import, export and promotion of the local company's products and enabled the plaintiff to seize the products and promotional materials. Although preliminary injunctions in patent filings are rarely easy to obtain, since the infringement in this case was confirmed by the technical expertise of a European patent attorney, a reputable professor working on medical devices and the court-appointed experts, the court swiftly rendered the preliminary injunction.

After granting the preliminary injunction, the court appointed a new expert panel in order to evaluate the action on the merits. The second expert report supported the conclusions of the first, including the infringement claims against the plaintiff's patent. The action was accepted during the latest hearing in favour of the plaintiff.

For further information please contact:

Maral Sayan

Gün + Partners

www.gun.av.tr

Email: maral.sayan@gun.av.tr

Tel: +90 212 354 00 00