

22 - 23 JUNE 2020
MUNICH

GERMAN PATENT INFRINGEMENT LITIGATION PROCEEDINGS

In 2017 and in 2018 participants from the following countries have attended the seminar:

- France
- United Kingdom
- The Netherlands
- Finland
- Czech Republic
- Belgium
- Greece
- Hungary
- Romania
- Slovenia
- Denmark
- Germany

Here is how they have evaluated the seminar:

- „Excellent seminar with great speakers“
- „Excellent presentation, clear slides and documentation, good discussion of questions“
- „Very good introduction into German litigation proceedings“
- „Well structured presentations, detailed documentation, very good“
- „Speakers from different backgrounds: litigator, judge, industry“
- „I liked both the theoretical and practical approach and the opportunity to get in touch with practitioners in the field“

- Strategic aspects
- Prejudicial aspects
- Patent infringement litigation
- Update, discussion, networking

Gabriele Mohsler

Vice President Patent
Development at IPR & Licensing,
Ericsson, Stockholm

Dr. Klaus Grabinski

Judge, German
Federal Court of Justice
(Bundesgerichtshof),
Karlsruhe, 10th Civil Division

Dr. Christof Augenstein

Attorney, Partner,
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Get an in-depth understanding of the German patent infringement litigation system!

AIMS AND OBJECTIVES The German patent infringement litigation system enjoys an outstanding reputation not only within the European patent community but also worldwide. Due to this reputation, many international patent infringement cases are litigated before German Patent Courts.

This seminar will give any practitioner unfamiliar with the German patent infringement litigation system an in-depth understanding of its principles and structures. Experts from private practice and industry, as well as a prestigious representative from the German Federal Court of Justice will provide an insight into all aspects of patent infringement litigation from the preparation until the enforcement of the final decision. The participants will gain insight into the strategic and prejudicial considerations of the parties involved in a patent infringement conflict. Our experts will grant a comprehensive and detailed presentation of the German litigation system, especially the bifurcated infringement and validity proceedings in Germany or differing regional customs before Germany's most frequented patent infringement courts.

The participants will have the opportunity to raise questions and discuss their views with our renowned experts and with colleagues from different countries and industries worldwide.

WHO SHOULD ATTEND?

- Members of Corporate Patent, IP and R&D departments
- Inhouse legal counsels
- Patent attorneys
- Professional representatives before the EPO
- IPR attorneys and external counsels

You will meet colleagues from different countries and will be able to network and profit from their experience and perspective.

DAY 1: STRATEGIC AND PREJUDICIAL ASPECTS

(Dr. Christof Augenstein, Gabriele Mohler)

Preparatory work of the plaintiff

Infringement analysis • Analysis of the validity
• Identifying the proper litigation patents • Reasons for a warning letter • Dispensability of the warning letter • Unjustified warning letter • Warning letter/notice for production of Legitimacy claim • Typical content of a warning letter • Time limit • Contractual penalty

Receipt of the warning letter/ information at the defendant

Preparation of the defence • Protective letters
• Potential reactions to a warning letter • Acceptance of claims • Reimbursement of costs • Request to postpone effect of injunction

Plaintiff's reaction

Consequences of a cease-and-desist declaration
• Contract for a contractual penalty

Applicable law in international cases

Gathering of evidence

The "Düsseldorf Inspection Procedure"

Combination of expert opinion and order to tolerate inspection • Requirements for inspection order • Authorizations of the court expert • Course of the inspection • Countermeasures defendant • Proceedings for disclosure of expert opinion

DAY 2: PATENT INFRINGEMENT LITIGATION

(Dr. Christof Augenstein, Dr. Klaus Grabinski)

International jurisdiction of German courts

GAT/LuK, Solvay and "Torpedo"

Competence of courts within Germany

Local and functional jurisdiction

DAY 2: PATENT INFRINGEMENT LITIGATION

(Dr. Christof Augenstein, Dr. Klaus Grabinski)

Patent infringement proceedings

The customs before Germany's most frequented courts

Claimant's preparations

Motions and typical content of the complaint • Entitlement • Liability of defendant

Remedies available

Injunction • Damages/Reimbursement • Information/Rendering Accounts • Recall/ Destruction

Preliminary injunctive relief

Proceedings, requirements and local differences before German courts • Strategic considerations

Defendant's reactions and preparations

Security bond • Acknowledgement of Complaint • Acknowledgement of allegations according to Sec. 138 (3) ZPO • Third party notice and intervention

Parallel pending opposition or nullity proceedings

Split infringement and validity proceedings • Nullity proceedings before the Federal Patent Court and appeal proceedings before the Federal Court of Justice • Stay of infringement proceedings • Grounds for revocation

After the Judgement

Appeal Proceedings

Enforcement of decisions from German Courts

Injunction • Information/Rendering accounts • Recall/Destruction • Damages/Reimbursement

YOUR EXPERTS

Dr. Klaus Grabinski

Judge, German Federal Court of Justice (Bundesgerichtshof), Karlsruhe



Dr. Grabinski has been assigned as a judge to the 10th Civil Division (X. Zivilsenats) which has, *inter alia*, jurisdiction on patent dispute matters. He is an author of commentaries and a multitude of articles concerning Patent Law and a member of Expert panels advising the UPC Preparatory Committee on different work streams. Other than that, Dr. Grabinski is a speaker at national and international conferences.

Gabriele Mohsler

Vice President Patent Development at IPR & Licensing, Ericsson, Stockholm



Gabriele Mohsler is Head of Patent Development within Ericsson, responsible for all patent creation world-wide and in charge of a number of patent units worldwide. For a number of years she has been responsible for European litigation within Ericsson. In 1997, she started building up Ericsson's patent department in Germany which is now one of the key IPR departments within Ericsson.

Dr. Christof Augenstein

Attorney, Partner, Kather-Augenstein Rechtsanwälte, Düsseldorf



Dr. Augenstein has been a litigator for more than 10 years, particularly in extensive, technically complex patent infringement litigation. He is a member of various specialized committees, e.g. Chair of the Standing Committee on Unitary Patent and a member of the Standing Committee on Enforcement Q 224 at the AIPPI.

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REGISTRATION FORM

DATE

22 June 2020, 2 pm - 8 pm (Joint dinner at 8.30 pm)
23 June 2020, 9 am - 5 pm
Registration on the first day from 1.30 pm

VENUE

Platzl Hotel München
Sparkassenstr. 10 · D-80331 München
Phone: +49 89 23703-0 · Fax: +49 89 23703-800
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A limited number of rooms have been reserved at the hotel and are subject to availability. All bookings should be made directly with the hotels quoting the seminar to obtain a discounted fee.

SEMINAR CODE: 20 06 GP160 W

FEE/DISCOUNT

€ 1.690,- (+ 19% VAT). The fee includes conference documentation, refreshments, a joint dinner on the evening of the first day and lunch on day two and three. A second participant and all further participants coming from the same company will receive a discount of 10%.

REGISTRATION FAX
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NAME

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POSITION/DEPARTMENT

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SECRETARY'S NAME

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GENERAL TERMS AND CONDITIONS

Our general terms and conditions apply and are available on our homepage
www.akademie-heidelberg.de/unternehmen/agb

An English version is available upon request.

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During your stay at our exclusive conference hotel PLATZL, you will be right in the heart and in the historic district of Munich. Experience the unique atmosphere of the charm and hospitality in the capital of Bavaria!

The conference hotel is located only a stone's throw away from the world-famous „Hofbräuhaus“ and from all of Munich's sights.

You will have the best connections to destinations inside and outside Munich. Munich International Airport is about a 40-minute taxi ride, or a direct connection with the regional S-Bahn train from the station „Marienplatz“ near the hotel.



ANY QUESTIONS?



Don't hesitate to contact me.
I am gladly at your disposal.

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