

MLL REPRESENTED IMPLANTEC BEFORE THE FEDERAL SUPREME COURT

Posted on 28 August 2020



Categories: [IP](#), [Litigation](#)

Tags: [Ex-Featured](#), [Michael Ritscher](#), [MLL](#)



Meyerlustenberger Lachenal (**MLL**) represented ImplanTec, a family owned company specialized in the development, manufacture and sale of artificial hip joint endoprotheses in patent infringement proceedings before the Federal Patent Court and in subsequent appeal proceedings before the Federal Supreme Court.

[Michael Ritscher](#) (Head of IP - pictured) acted as legal representative of ImplanTec.

The case

Patent infringement proceedings were initiated by Stemcup Medical Products against ImplanTec before the Federal Patent Court in September 2016. As a matter of defence ImplanTec raised invalidity arguments against the patent of Stemcup Medical Products. The Federal Patent Court decided that the limited patent could be brought into the proceedings even though the exchange of briefs had already been concluded. Therefore, patent infringement was affirmed by the court.

In the subsequent appeal proceedings initiated by ImplanTec, the Federal Supreme Court concluded that the Federal Patent Court should not have taken the limited version of the patent into account, since it was submitted to the court after the exchange of briefs had already ended and after the written technical opinion of the technical judge was already issued. The Federal Supreme Court therefore approved the appeal by ImplanTec and wrote-off the infringement claim as groundless.