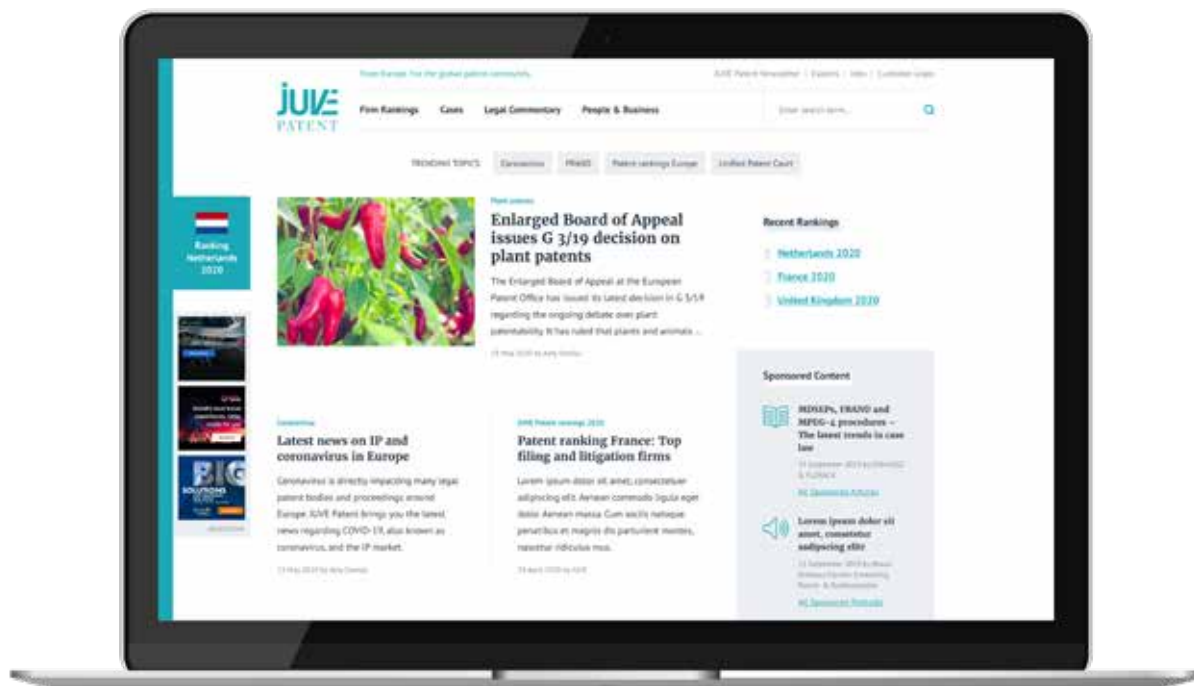


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JUVE Patent was launched in December 2018 as an extensive on-line platform with daily reporting on the European patent market. JUVE has been reporting on the UPC, the European Patent Office and developments in law firms and legal departments for twenty years – now also in English.

From current litigation and news from firms, to in-depth reports, rankings and market analysis, we provide daily coverage on the entire European patent market, with a strong focus on France, Germany, the Netherlands and the UK.

JUVE is a publishing house based in Cologne, Germany. It was founded in 1997 and provides high-quality journalistic analysis on a variety of legal and tax consulting fields.

It is our aim to inform lawyers and tax consultants in law firms, tax consultancies and companies reliably and independently about their own strengths and weaknesses, as well as general market and legal developments. This is what JUVE's team of full-time specialist journalists stands for.

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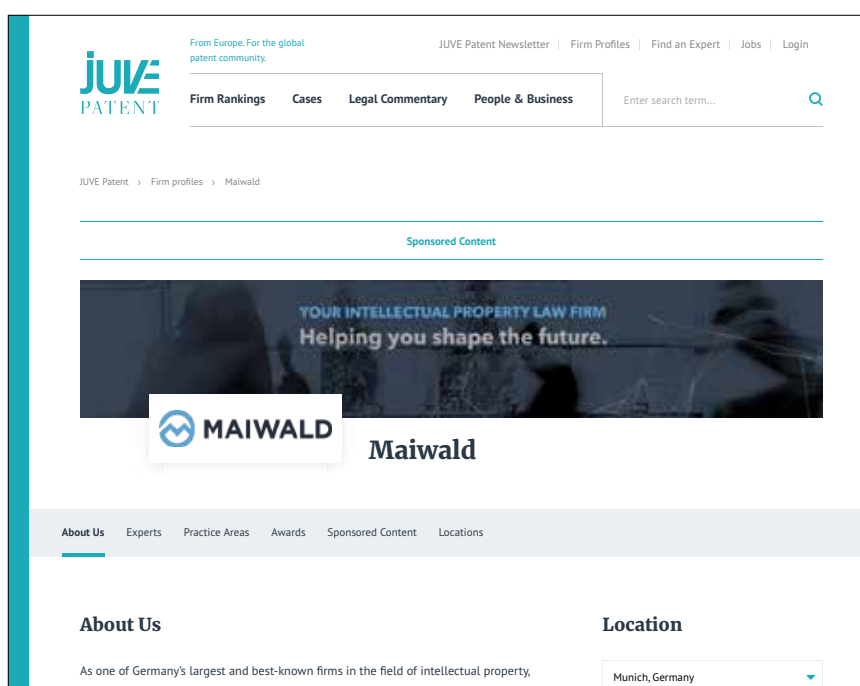
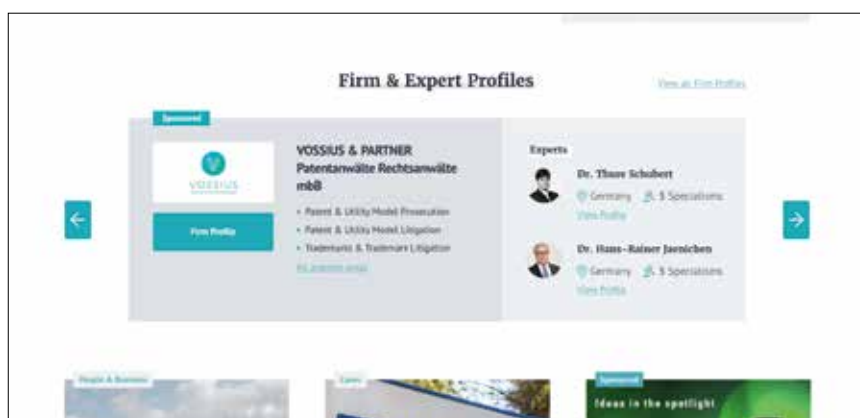
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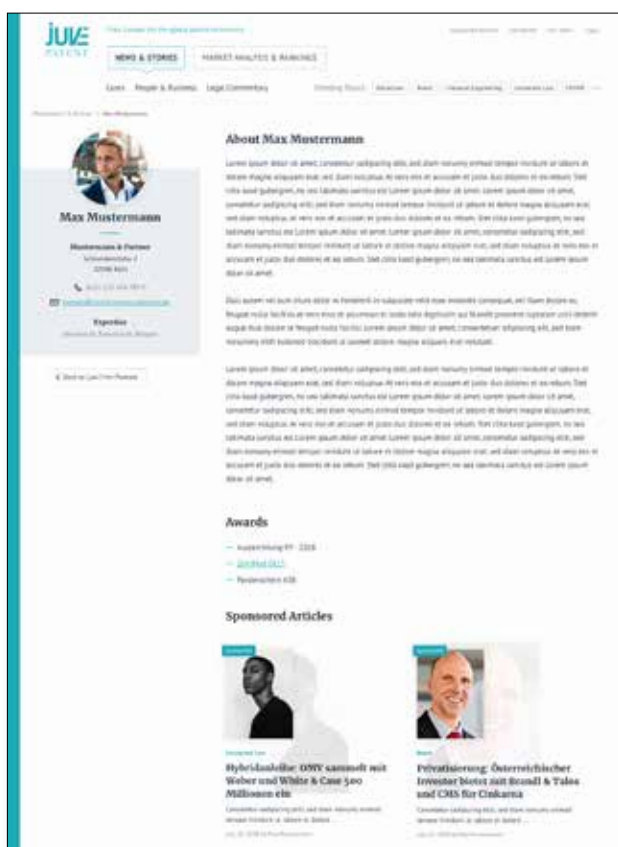
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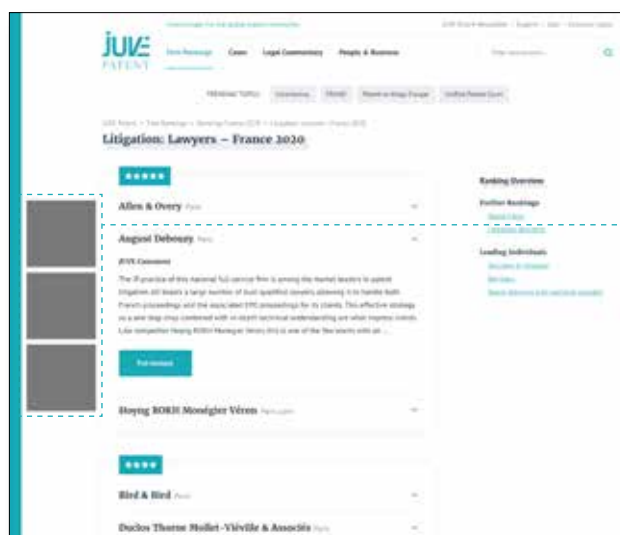
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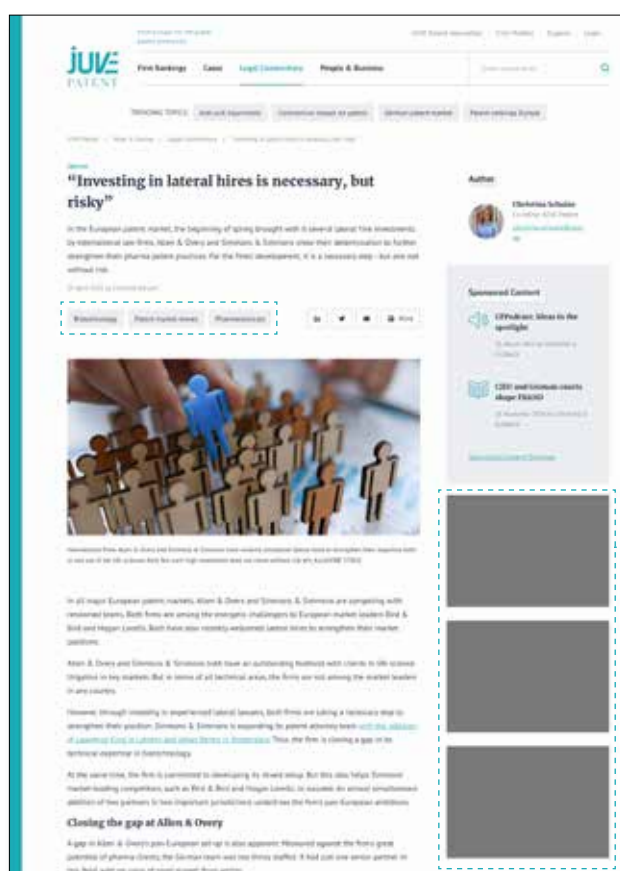
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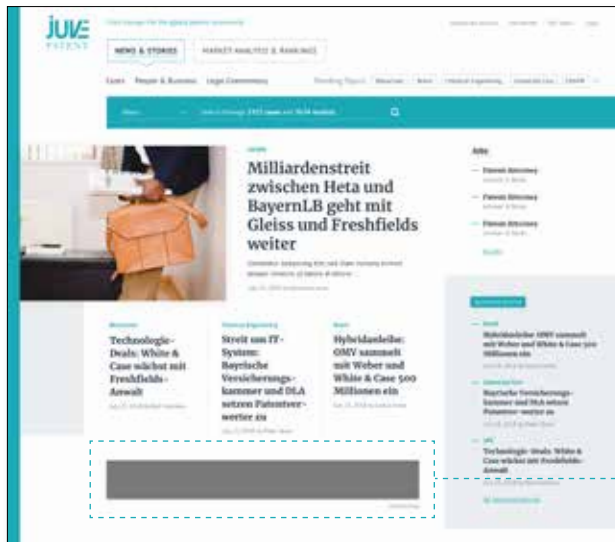
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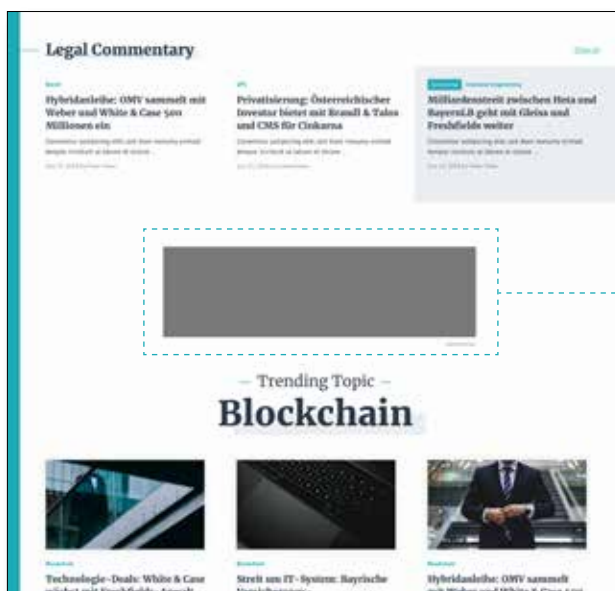
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Find out more on the next page about how to book a JUVE Patent Insight and how the process works from start right through to the finished product.

The screenshot displays the JUVE PATENT website interface. At the top, there is a navigation bar with links for 'From Europe. For the global patent community.', 'JUVE Patent Newsletter', 'Firm Profiles', 'Find an Expert', 'Jobs', and 'Login'. Below this, a search bar is present with the text 'Enter search term...'. The main content area features a large banner for 'Second Medical Use' in association with COHAUSZ & FLORACK. The article title is 'Current prosecution and enforcement strategies of pharmaceutical inventors in Europe'. The text discusses the challenges of filing second medical use claims at the European Patent Office and the complex interplay between patent law, product approval, and social law. It also mentions the establishment of the Unified Patent Court and the need for harmonisation. A sidebar on the right shows 'COHAUSZ & FLORACK' and 'Intellectual Property'. At the bottom, there is a section for 'Insight Articles' with two sponsored articles. A large, tilted graphic of the JUVE PATENT INSIGHT report cover is overlaid on the bottom right, featuring the title 'Second medical use' and 'Current prosecution and enforcement strategies of pharmaceutical inventors in Europe'.

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TRENDING TOPICS: FRAND | Patent rankings Europe | Preliminary injunctions in Europe | Unified Patent Court

Second Medical Use

In association with **COHAUSZ & FLORACK**

Current prosecution and enforcement strategies of pharmaceutical inventors in Europe

When filing second medical use claims at the European Patent Office, companies have to overcome a number of hurdles. But the holders of such claims face even greater challenges when it comes to enforcing them against competing products.

The main reason is the complex interplay between the various players in the healthcare industry. In addition to patent law, product approval and social law also regulate the framework for second medical use claims. Pharmaceutical research companies complain that contradictory national regulations as well as different legislation in European states hinder effective enforcement. The companies thus have a number of different strategies to respond to the current situation.

At the same time, originators are demanding change from national legislators and hoping for the establishment of the Unified Patent Court. They see this as a crucial milestone towards harmonisation in the enforcement of second medical use claims.

For the JUVE Patent Insight report "Second Medical Use Claims", JUVE Patent journalists interviewed representatives from Europe's leading pharmaceutical research companies. They also spoke to selected judges and lawyers involved in second medical use lawsuits. The results are presented by JUVE Patent in association with the Düsseldorf-based patent firm Cohausz & Florack. JUVE Patent is responsible for the research and content of the report.

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Second medical use

Current prosecution and enforcement strategies of pharmaceutical inventors in Europe

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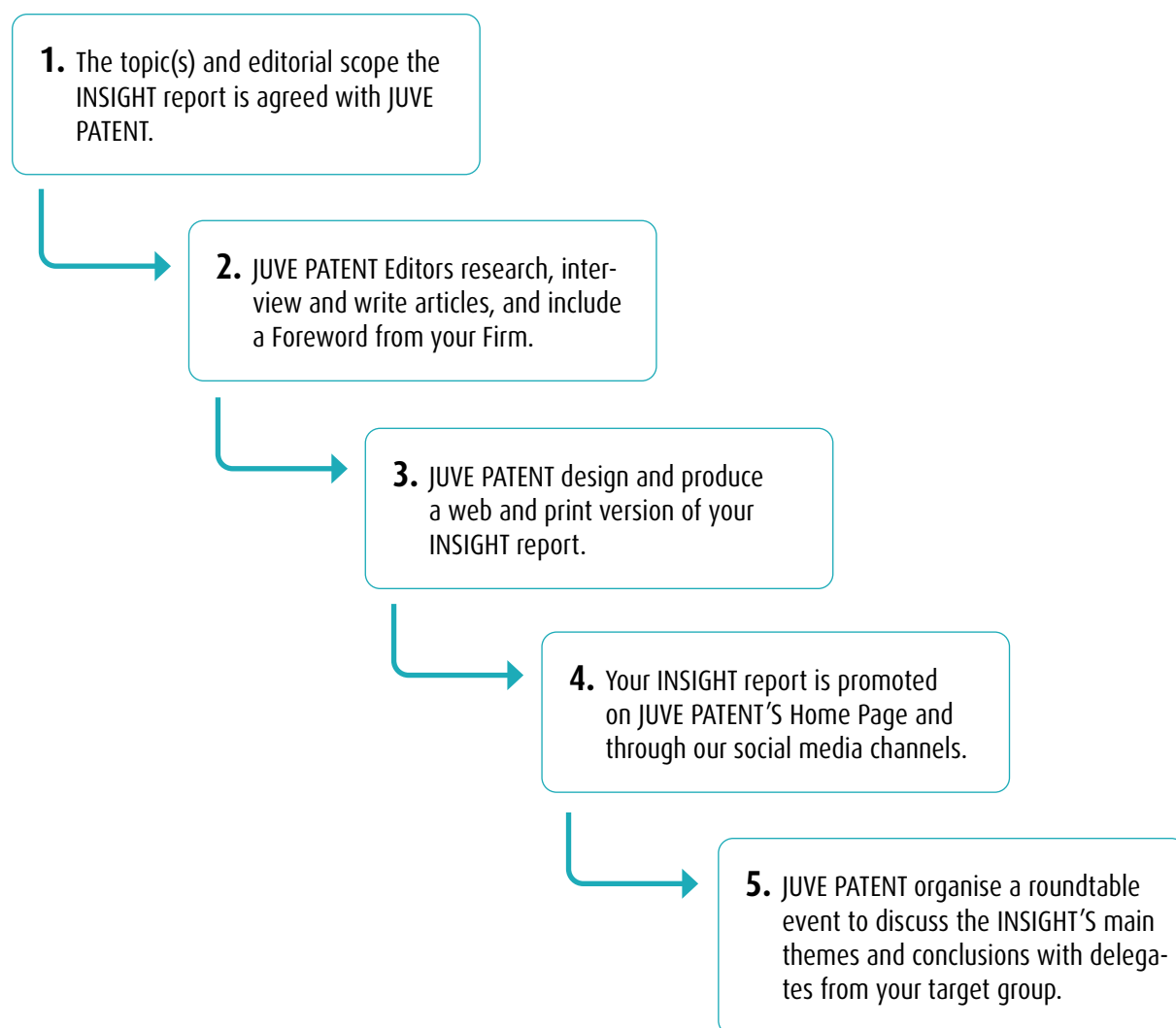
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NEWSLETTER

JUVE PATENT From Europe. For the global patent community.

Dear Reader,

On the surface, the Higher Regional Court Düsseldorf's ruling in Philips vs. TCT could be any other SEP case. But the senate, around judge Thomas Kühnen, has hinted that it may not follow the Federal Court of Justice's guidelines on FRAND in the future.

But, while most other German patent courts have followed the new case law since it was introduced last year, Kühnen and his senate are taking a different approach. Kühnen distinguishes between an implementer's "general" and "concrete" willingness to take a licence. If the implementer is "generally" willing to take a licence, then according to Kühnen, the court must examine whether the SEP holder's licence offer is FRAND.

In applying this differentiation, the renowned judge insists on an intermediate step in the so-called FRAND dance.

But it is not only Düsseldorf dealing with big issues in FRAND. Recently, courts across Germany have dealt with numerous telecommunications and licensing cases. The most prominent was the Mannheim Regional Court refusing Deutsche Telekom repayment of SEP licences from IPhone after the German company accused the NPE of discriminatory actions.

Enjoy this week's newsletter.

 *Amy Sandys*
Journalist

News & Stories



FRAND
Thomas Kühnen won't dance to the Federal Court of Justice FRAND tune
Düsseldorf Higher Regional Court has confirmed that TCL cannot sell NPE/G-4 AAC standard-enabled smartphones or tablets in Germany. But its 2nd Civil Chamber indicates that this ruling could, in future, go against the accepted FRAND law of the Federal Court of Justice.
1 June 2022 by Mathieu Köté



Medical devices
AMO finds success in eye surgery technology battle with Alcon
3 June 2022 by Konstantin Rößler

Pharmaceuticals
Teva repels PI application in Neurim's fight against generics
2 June 2022 by Amy Sandys

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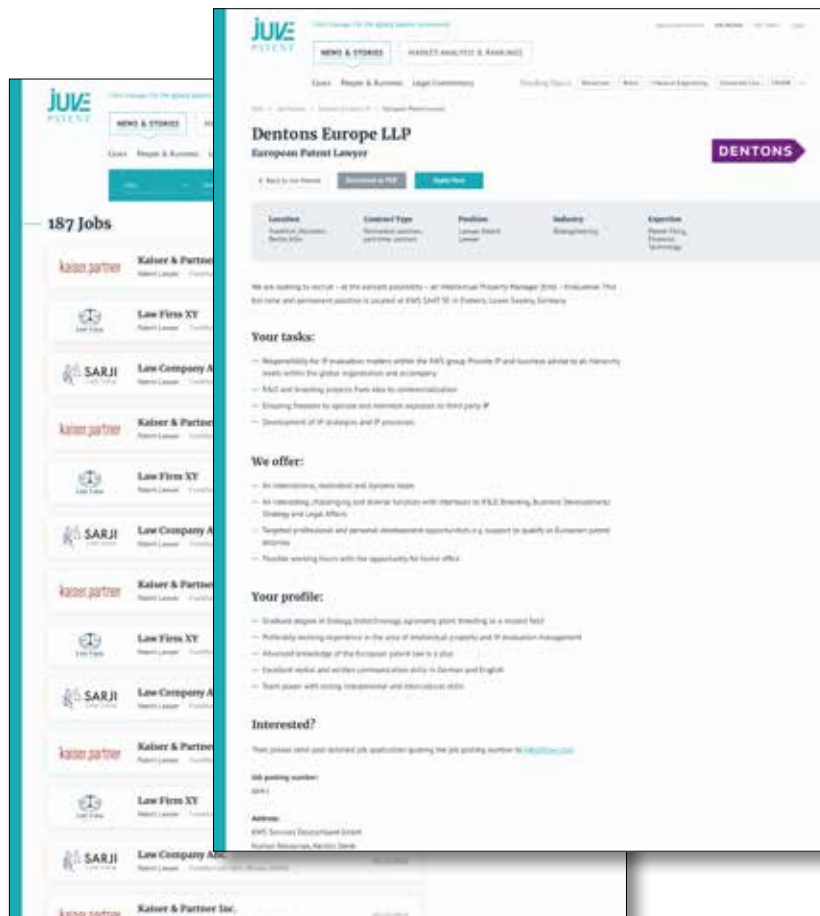
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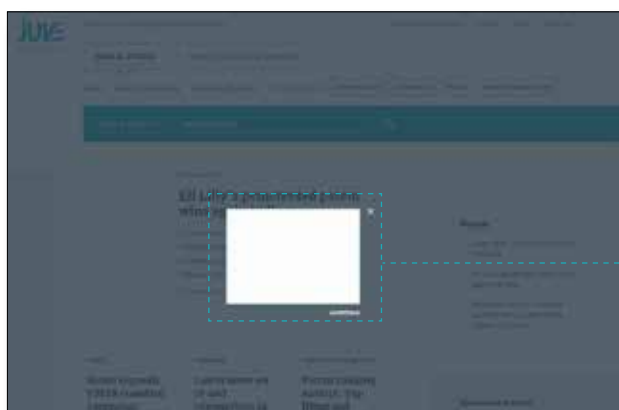
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