

# PATENTS

Patent litigation is a core strength at Crowell & Moring. Our Belgian patent practice is widely recognized as one of the very best. We handle patent litigation and transactions for clients from many different industries, including chemicals, electronics, life sciences, medical devices, industrial machinery, packaging, textiles, food and feed.

***Crowell & Moring is a go-to firm for demanding multi-jurisdictional cases and must-win disputes.*** IAM Patent 1000, 2017

## Litigation Proficiency & Sound Advice

Our Brussels lawyers have extensive courtroom and arbitration experience and understand how to present complex ideas and technical issues in straightforward terms. We are known as creative problem solvers and regularly undertake innovative challenges when traditional methods of dispute resolution have failed.

Over the years, the Belgian patent team has helped to shape landmark decisions in many patent disputes. Respected both by clients and competitors, our patent practice deals with a vast range of matters and is best known for representing clients in complex and often multi-jurisdictional litigation.

We deal with every aspect of patent litigation. We have an excellent reputation with the competent judges, and our experience allows us to predict the timing, cost and chances of success of litigation.

We have considerable experience with pre-trial discovery, including the liberal 'saisie-contrafaçon' regime in Belgium. This regime allows patent holders to obtain fast, cheap access to evidence. On the other side of the fence, and by using an unconventional approach, we have also been able to prevent access to seized evidence, effectively bringing to an end infringement proceedings abroad.

Other aspects of patent litigation covered include preliminary injunction proceedings and classic proceedings on the merits dealing with both infringement and invalidity issues.

## Maximizing Investment

Despite our litigation capabilities, our first objective is to help businesses prevent and resolve legal issues quickly and favorably. Working together with our Corporate Group, we provide commercial and pragmatic advice on all aspects of patent transactions.

We recognize the intrinsic importance of patents to many companies, and we combine our legal experience with technical knowledge and business acumen to assist clients in drafting and negotiating research and development and collaborative research agreements, outsourcing agreements, transfer of technology, know-how and related intellectual property strategic alliances and joint development agreements, manufacturing agreements and marketing, as well as reseller and distribution agreements.

## Patent Prosecution and the Regulatory Framework

There is little benefit in obtaining patent protection that is subsequently found to be invalid or severely limited by litigation. We therefore work closely with patent prosecutors to ensure that clients are aware of the latest developments regarding the prosecution and protection of their creative assets. We also advise clients on competition law issues related to the enforcement of patent rights (e.g., in relation to abuse of dominant position, exclusivity and parallel imports).

## Confidential Know-How

We handle matters relating to confidential know-how or trade secrets in a pragmatic but creative manner. We use a multi-disciplinary approach, drawing on the broad experience of our IP litigators, combined with the knowledge of our employment, antitrust and white collar criminal lawyers in Europe and the U.S. This can result in clients avoiding payment of significant damages and/or injunctive relief.

## Our Team

The Brussels patent team comprises highly experienced lawyers, many with a strong academic background, who can offer an excellent service across a variety of technology fields.

***Crowell & Moring's "resourceful, battle-hardened trial lawyers are hailed for their work for generics manufacturers, which has helped to shape Belgian law and practice."*** IAM Patent 1000, 2016

***"Sources endorse [Kristof Roox] as 'the patent guy for Belgium at the moment.'"*** Chambers Europe, 2017

***"Jan-Diederik Lindemans is another redoubtable campaigner: 'Intellectually sharp, he is clear in his arguments and excellent at pleading.'"***

***Christian Dekoninck adds further quality to this crack team; he specialises in IP and regulatory law in the life sciences, with automotive patent disputes another forte."*** IAM Patent 1000, 2017

## Representative Matters

- Represented major players in the pharmaceutical industry in infringement and invalidity proceedings, and related proceedings (seizure proceedings, preliminary injunction proceedings) regarding generic versions of blockbuster medicinal products.
- Defended a manufacturer of vegetable processing machinery in patent-based cease and desist litigation.
- Represented an automotive parts manufacturer in a patent and trade secrets dispute about FSD shock absorbers.
- Represented an international dredging company in a public tender matter before civil and administrative courts involving patent infringement questions.
- Advised food producers on freedom to operate (FTO) issues.
- Defended a multinational active in the sweetener industry in Belgian pre-trial discovery proceedings in the context of foreign patent litigation.
- Executed the largest seizure ('saisie-contrefaçon') in Benelux on behalf of a producer of animal feed additives, resulting in the seizure of millions of tons of the infringing product. Patent and trade secrets infringement litigation following this seizure. Advised a machinery manufacturer on the interplay between patent and registered design protection.
- Analyzed the enforceability of software-related patents in a portfolio, the object of an international M&A.
- Advised a machinery manufacturer on the interplay between patent and registered design protection.
- Advised a joint venture in a patent dispute regarding mobile internet on high speed trains.
- Represented a producer of laminate floor in an arbitration concerning a breach of a license agreement for alleged patent infringement.
- Assisted a manufacturer in the automotive industry in U.S. patent litigation.

## CONTACTS



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