

# PATENTS

## OUR TEAM

Patent litigation is a core strength at Crowell & Moring. The Brussels patent team comprises highly experienced lawyers, often with a strong academic background, offering expertise in a variety of technology fields crossing many different industries, including pharmaceuticals, biotech, chemicals, electronics, medical devices, machinery, textiles, media, and IT. Our patent practice is considered “one of Belgium’s busiest and most popular practices.” (The World’s Leading Patent Practitioners - IAM Patent 1000 2013).

## LITIGATION PROFICIENCY, TO THE POINT ADVICE

We are trial lawyers first and foremost and are “highly regarded” (Legal 500 EMEA 2013) for the “significant amount of IP litigation, especially on the patent side” that we handle (Chambers Europe 2013). Our 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 patent team has prided itself on taking responsibility for helping 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, whether it be preliminary injunction proceedings, classic proceedings on the merits dealing with both infringement and invalidity issues, or pre-trial discovery actions (‘saisie-contrefaçon’ and protective letters).

## MAXIMIZING THE VALUE OF PATENT BASED INVESTMENTS

Nonetheless, the first objective of our lawyers is to help businesses prevent and resolve legal issues quickly and favorably. Our litigation expertise allows us to provide commercial and pragmatic advice on all aspects of

patent transactions in conjunction with lawyers from our Corporate Group. Recognizing that patents are often the crown jewels of a company, 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 REGULATORY FRAMEWORK

We recognize that there is little benefit in obtaining patent protection that is subsequently found invalid or severely narrowed by litigation. Our patent litigators therefore work closely with both our own and outside patent prosecutors to ensure that clients are aware of the latest developments regarding the prosecution and protection of creative assets. Furthermore, we advise clients on the competition law implications of the enforcement of patent rights, particularly in relation to abuse of dominant position, exclusivity and parallel imports.

## CONFIDENTIAL KNOW-HOW

We handle matters relating to (the misappropriation of) confidential know-how or trade secrets in a truly unique manner. We use a multi-disciplinary approach, drawing on the tremendous experience of our IP litigators, combined with the expertise of our employment, antitrust and white collar criminal lawyers in Europe and the U.S. Our clients reap the benefits of such multidisciplinary thinking, which often results in (avoiding) payment of significant damages and/or injunctive relief.

## REPRESENTATIVE MATTERS

- Represented major players in the pharmaceutical industry in several infringement and invalidity proceedings and related proceedings (seizure proceedings, preliminary injunction proceedings) regarding generic versions of blockbuster medicinal

products (several statines, docetaxel, drospirenone, dorzolamide-timolol, quetiapine, co-irbesartan and escitalopram.);

- Bet the company patent litigation involving major players in the vaccines industry;
- 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 pre-trial discovery proceedings in Belgium in the framework 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 infringing product. Patent and trade secrets infringement litigation following this seizure;

- Analyzed the (un)enforceability of software-related patents in a portfolio, the object of an international M&A;
- Advised a machinery constructor 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; and
- Assisted a manufacturer in the automotive industry in US patent litigation.

## CONTACTS



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