

20 YEARS OF PRELIMINARY INJUNCTION IN FRENCH PATENT INFRINGEMENT LITIGATION

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In summary:

- Preliminary injunction in patent infringement proceedings entered into French law in 1984 allowing a patent holder who brings an infringement action to obtain, by order of the President of the court seized with the case, an interim order to stop the allegedly infringing acts until a substantive decision on the merits can be rendered.
- Because of the strict requirements set by the 1984 Act, these proceedings have remained exceptional: while more than 300 patent infringement actions are lodged every year, there are less than 5 actions for preliminary injunction (barely 100 in 20 years).
- Rarely requested, preliminary injunction is even more rarely ordered: only 20 decisions (1 per year, on average) have granted such an injunction since these proceedings entered into law.
- Once preliminary injunction has been ordered, this often puts an end to the case not giving rise to any decision on the merits. However when the case is judged on its merits, the final decision goes usually in the same direction as the preliminary injunction.

This statistical study marks the 20th birthday of the French Act No. 84-500 of 1984, June 27th which gave rise to patent preliminary injunction proceedings.

It is now article L. 615-3 of the French Intellectual Property Code.¹

The request for preliminary injunction allows a patent holder who brings an infringement action to obtain, by decision of the President of the court seized with the case, the immediate halt to the allegedly infringing acts until a substantive decision on the merits be rendered.

This law has been in effect for 20 years now, can conclusions be drawn from its historical data?

The main answers are summed up in the following ten keystone figures.

These keystone figures will be examined and clarified under the following headings:

- the sources and methodology of the study (1.);
- number of decisions rendered on requests for patent preliminary injunction between 1984 and 2004 (2.);
- outcome of the decisions of first instance on requests for patent preliminary injunction (3.);
- outcome of the appeal decisions on requests for patent preliminary injunction (4.);
- comparison between the outcome of the decisions on requests for patent preliminary injunction and the outcome of the decisions on the merits between the same litigants and relating to the same patents (5.).

¹ Act No. 84-500 of 1984, June 27th now article L. 615-3 of French Intellectual Property Code:

“Where proceedings are brought before the Court for infringement of a patent, the President of the Court, acting and ruling in summary proceedings, may provisionally enjoin, under penalty of a daily fine, the carrying out of the allegedly infringing acts or make the continued carrying out of such acts subject to the furnishing of a guarantee to cover indemnity of the patentee.

The request for an injunction or for furnishing of a guarantee shall only be granted if the substantive proceedings appear well founded and are instituted within a short time of the day on which the patentee became aware of the facts on which the proceedings are based.

The judge may condition the injunction on the furnishing by the plaintiff of a guarantee to cover possible indemnification of damages suffered by the defendant if the infringement proceedings are subsequently judged to be unfounded.”

20 YEARS OF PATENT INFRINGEMENT PRELIMINARY INJUNCTION

200 DECISIONS SUMMED UP IN 10 KEYSTONE FIGURES

- 1. THE REQUEST FOR PRELIMINARY INJUNCTION REMAINS AN EXCEPTION:**
5 requests every year compared to 300 infringement actions
(95 requests compared to 6,000 infringement actions filed over a period of 20 years)

- 2. A PARISIAN BUSINESS:**
70% of the requests for preliminary injunction are introduced before the Court of First Instance of Paris
(65 requests out of 95)

- 3. PRELIMINARY INJUNCTION IS RARELY GRANTED:**
3 requests out of 4 are denied (70 dismissals out of 95 requests)
1 preliminary injunction granted every year (19 preliminary injunctions granted on a period of 20 years)

- 4. THE MAIN HURDLE FOR THE PATENTEE IS TO DEMONSTRATE A REASONABLE LIKELIHOOD OF SUCCESS ON THE MERITS:**
58% of the requests are rejected because the patentee failed to demonstrate a **reasonable likelihood of success on the merits**
(24% because action on the merits had not been initiated within a short time on the day on which the patentee became aware of the allegedly infringing facts, 20% for other causes)

- 5. THE POSTING OF A BOND OR A SECURITY IS RARELY ORDERED:**
5 decisions permitted the defendant to continue the accused activity provided that he posts a bond or a security.
2 decisions granting the preliminary injunction ordered the plaintiff to provide a bond or a security to cover the damages the defendant might claim if the action was eventually dismissed

- 6. A MEAN TO ALLEVIATE THE COURT'S WORKLOAD?**
Preliminary injunction proceedings put an end to **1 case out of 2**
(49 cases over a total of 95)

- 7. A MEAN TO CLARIFY AND SCREEN PATENT CASES?**
2 decisions based on the merits out of 3 reach an opinion along the same lines as the decision rendered on the request for preliminary injunction (33 cases out of 46)

- 8. A PROCEDURE WHICH BRINGS BAD LUCK TO THE PATENTEE?**
Only 43% of the cases where a request for preliminary injunction has been introduced end with a victory on the merits of the patentee (20 cases out of 46) while, in general, 57% of patent infringement actions end with the patentee's victory.

- 9. GAME IS NOT OVER FOR THE PATENTEE WHO FAILED TO OBTAIN A PRELIMINARY INJUNCTION:**
1 patentee out of 4 who failed to obtain a preliminary injunction is successful on the merits (11 cases out of 46)

- 10. A PROCEDURE WHICH MAY HIDE UNPLEASANT SURPRISES FOR THE PATENTEE:**
1 patentee out of 10 who succeeded in granting a preliminary injunction eventually loses his case on the merits (2 cases out of 19)

1. Sources and methodology

This study focused on decisions (of first instance, appeal and *cassation*, i.e. a final appeal on a point of law) rendered on request for preliminary injunction².

When it was possible to identify decisions on the merits between the same litigants and relating to the same patents, these decisions were also analysed³ to compare the result of the action on the merits with the result of the request for preliminary injunction.

The 198 decisions⁴ which were analysed can be divided as follows:

Request for preliminary injunction			Action on the merits		
First instance	Appeal	Cassation	First instance	Appeal	Cassation
95	33	4	46	15	5
132 decisions			66 decisions		

198 decisions

Figure 1: Decisions analysed for the study

We have been able to collect and analyze the decisions rendered on the requests for preliminary injunction for the majority of cases.

However, in a few cases, these decisions were quite difficult to identify (in particular when they were briefly mentioned in the corresponding decision on the merits without being dated).

This study is not totally exhaustive: if all the published decisions (112) were listed and analysed, it is not the case for the unpublished decisions among which only some (86) were counted.

The vast majority of the decisions with significant bearing on the issue, however, have been published.

Thus the methodology of the study is not totally perfect; however, the “methodological expedient”, though existent, has a very limited scope.

² The authors thank the colleagues who provided them with unpublished decisions, mainly Arnaud Casalonga, Philippe Combeau, Pierre Cousin, Geoffroy Gaultier, Pierre Lenoir, Yves Marcellin, Thierry Mollet-Viéville, Denis Monégier du Sorbier, Jean-Pierre Stenger and Dariusz Szeleper.

³ Research and studying of the decisions are due to a large part to Laurène Delsart who was at that time student of the DESS of Industrial Property of Grenoble, France and who is to become a graduate lawyer; the authors thank her for the painstaking task she performed efficiently and cheerfully.

⁴ We chose to refer to each decision made on a given patent as “*decision*”. In 10 cases, the plaintiff relied upon 2 patents, in one case, he based his action on 3 patents and in one last case, he relied upon 4 patents; we respectively counted 2 “*decisions*”, 3 “*decisions*” and 4 “*decisions*”; the 95 first instance “*decisions*” rendered on request for preliminary injunction correspond to 80 orders.

Firstly, it should be noted that our study focused on decisions of first instance rendered on request for preliminary injunction handed down between 1984, June 28th, date of entry into force of the French Act No. 84-500 of 1984, June 27th and 2004, June 30th, the 20th birthday of the Act.

In addition, we analysed the appeal and *cassation* (final appeal on a point of law) decisions rendered after this date.

And finally, we also analysed the decisions rendered on the merits until 2004, October 31st.

A decision is usually handed down within a few months (even within a few weeks) on first instance and also on appeal, while substantive proceedings are much longer (between 1 and 2 years at each level of instance, first instance, appeal and *cassation*, appeal on a point of law).

Thus, the final issue of the cases for which requests for preliminary injunction had been introduced between 1984 and 2004 will stay unknown until ... 2010 at least.

By ending our study on 2004, October 31st, there results a “methodological expedient” concerning, for example, the rate of the cases which may have ended after the introduction of a request for preliminary injunction (in the sense that it is not possible to know, in 2004, if the cases for which requests for preliminary injunction had been introduced in 2002, 2003 and 2004 will give rise or not to a decision on the merits).

However, we thought it preferable not to wait until 2010 to publish the present study.

For each decision rendered on a request for preliminary injunction, the outcome of the request has been pointed out and, in case of denial, the grounds for dismissal.

The final issue of the action on the merits has been noted each time it was known⁵.

⁵ The study did not relate to the accessory litigation to the request for preliminary injunction, which is however a source of teachings for the litigator: a decision of 1997, November 14th of the Court of Appeal of Paris specified that the preliminary injunction order, although pronounced as in “*summary proceedings*”, was not provisionally enforceable by law. This provisional enforcement must be specially indicated in the order (Paris, 1997, November 14th, *RD Propr. ind.* 1998, No. 93, p. 44, obs. Stenger p. 46).

2. Number of decisions rendered on requests for patent preliminary injunction between 1984 and 2004

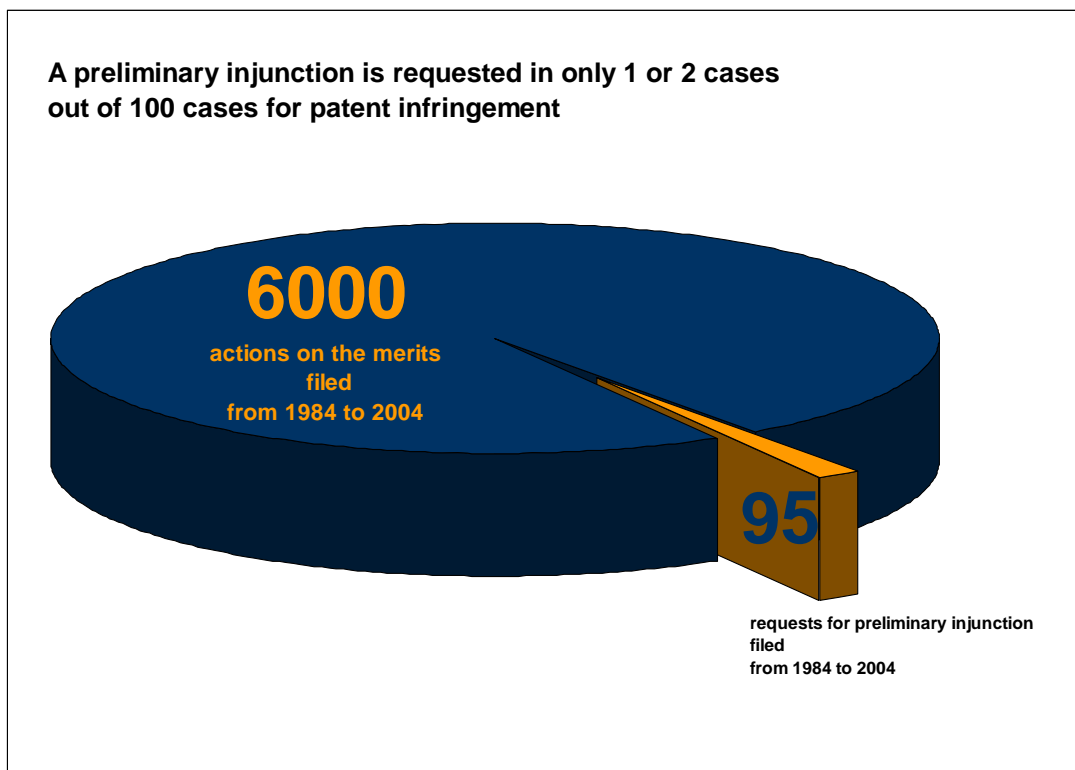


Figure 2: Number of requests for patent infringement preliminary injunction compared to the number of substantive proceedings

First of all, it should be pointed out that request for preliminary injunction is an exception.

As shown in Fig. 2, only 95 requests for preliminary injunction were filed from 1984 to 2004 while, over the same period, 6,000 actions on the merits were filed.⁶

⁶ This estimate results from the multiplication by 20 of the annual average number (300) of patent infringement cases initiated in France over the 1990-1999 period.

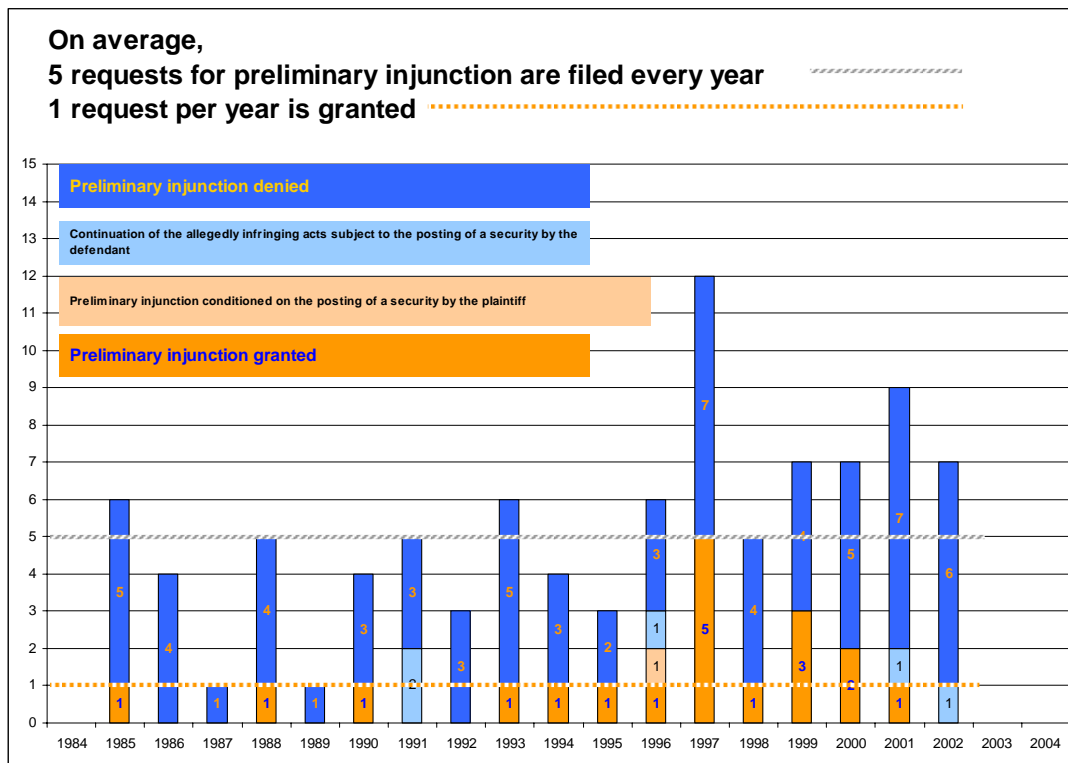


Figure 3: Annual number and outcome of the decisions of first instance rendered on requests for patent infringement preliminary injunction

In the meantime, the annual number of decisions rendered on requests for preliminary injunction has increased only slightly over the 1984-2004 period.

The above chart shows that the number of requests remain at a low level: 5 per year on average.

However, a slight growth in the number of requests is noticeable from 1996.

Maybe this is due to French Act No. 90-1052⁷ of 1990, November 26th which relaxed the requirements of the preliminary injunction proceedings by removing the requirement of irreparable harm.

⁷ This French Act amended Article 54 of the French Act No. 84-500 of 1984, June 27th whose new writing is now included in Article L. 615-3 of the French Code of Intellectual Property.

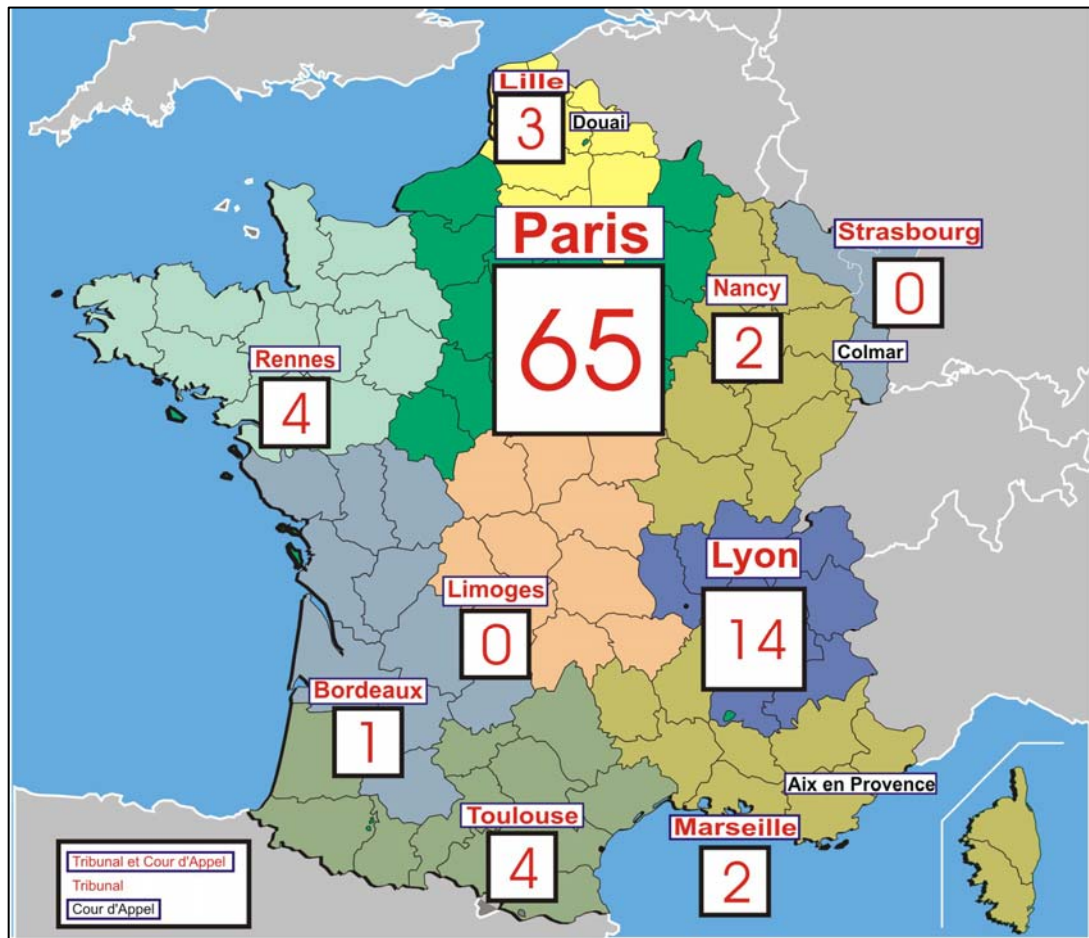


Figure 4: Annual number of decisions rendered on requests for patent infringement preliminary injunction by court of first instance from 1984 to 2004

The above map shows that the court of first instance of Paris delivered the vast majority of the decisions rendered on request for preliminary injunction (65 out of 95, i.e. 70%).

The court of first instance of Lyon reaches second position with 14 decisions.

The courts of first instance of Rennes and Toulouse are further behind with 4 decisions each, followed by those of Lille (3 decisions), of Marseille and Nancy (2 decisions each), and of Bordeaux (1 decision).

Finally, neither the court of first instance of Limoges nor the court of first instance of Strasbourg rendered a single decision on request for patent preliminary injunction.

It is worth comparing the figures of this map with those of the following chart⁸ which show the geographical distribution of the patent infringement actions on the merits lodged before the 10 courts of first instance having exclusive jurisdiction to deal with patent cases over the 1997-1999 period.

Court of First Instance	New	Closed
Paris	172	158
Lyon	32	27
Rennes	19	14
Lille	9	10
Bordeaux	9	4
Strasbourg	9	7
Marseille	8	7
Nancy	6	7
Toulouse	6	5
Limoges	2	2
Other courts of first instance	68	62
Total for the whole France	339	303

**Figure 5: Ministry of Justice statistics
Patent cases – 1997-1999 average**

It should be noted that the concentration of the requests for patent preliminary injunction before the Court of First Instance of Paris (70%) is far more important than the concentration rate of the patent infringement actions on the merits initiated before the same court (49% in 1999).

Indeed patent preliminary injunction proceedings mainly concern high stake cases, which are generally brought before the Court of First Instance of Paris.

⁸ This chart gathers data provided by the Ministry of Justice which each year centralizes statistical information upon the activity of all the French courts.

3. Analysis of the decisions handed down on request for preliminary injunction

The following points will be successively analysed: the outcome of the decisions handed down on request for preliminary injunction (3.1.), the main reasons for dismissal of the requests (3.2.), the grounds justifying the preliminary injunctions (3.3.), and the specific case of the decisions ordering the posting of a bond or a security (3.4.).

3.1. Outcome of the decisions

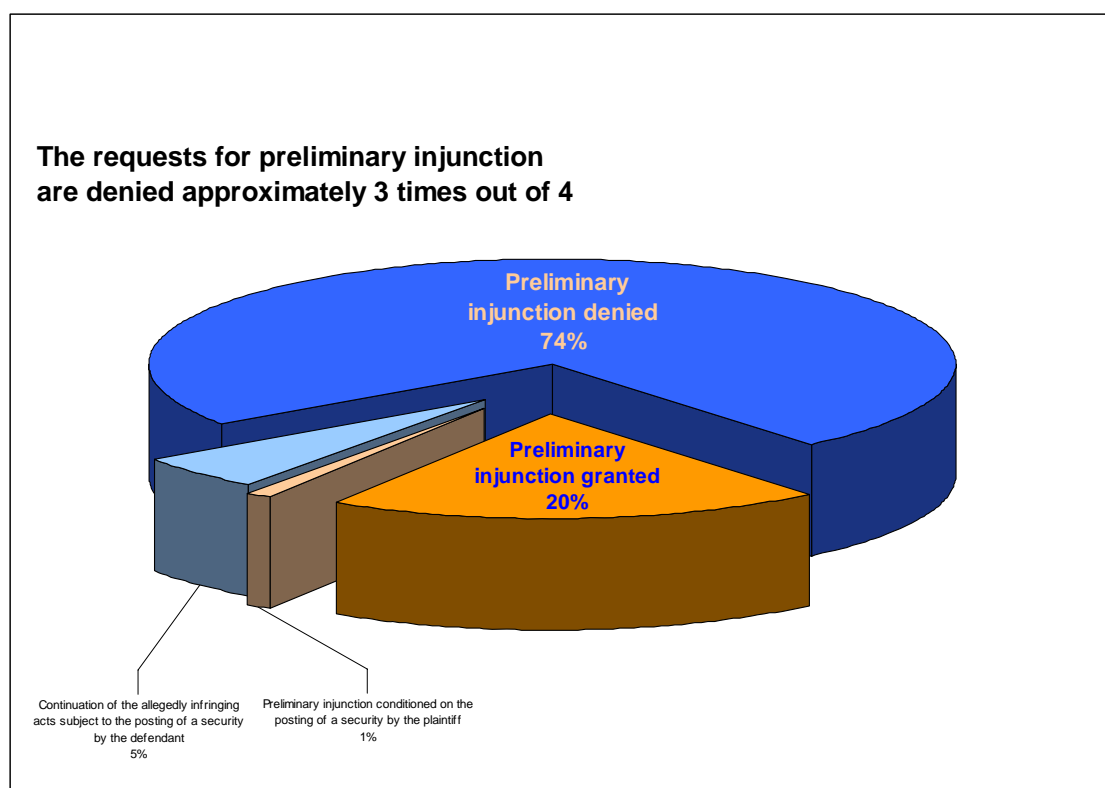


Figure 6: Outcome of the first instance decisions handed down on request for patent infringement preliminary injunction

Out of the 95 first instance decisions analysed, only 19, i.e. 20%, granted preliminary injunction.

The request was dismissed in 70 cases, i.e. 3 out of 4.

Orders for bond or security, which are further detailed in point 3.4 of this study, were pronounced only in 6 cases, i.e. around 6%.

3.2. Grounds of dismissal

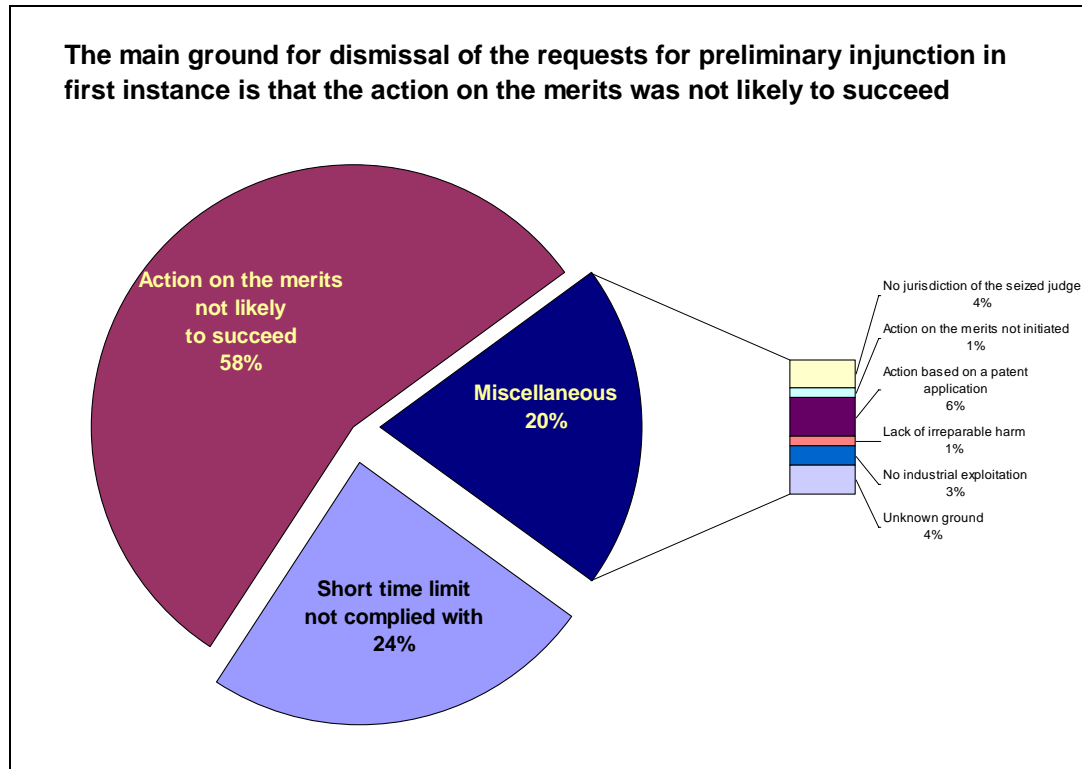


Figure 7: Grounds of dismissal of the requests for patent infringement preliminary injunction in first instance

The survey lists 70 first instance decisions, which refused to order preliminary injunction; out of these, 39 (i.e. 58%) actions were judged not likely to succeed illustrating therefore, that this issue is the main hurdle for the patentee.

Nearly a quarter of dismissals were judged not to comply with the short time requirement – as for the day on which the patentee became aware of the facts on which the substantive proceedings are based.

Case law is unanimous in setting the short time period at 6 months approximately.

However, the issue of awareness of the allegedly infringing facts, which is the starting point of the short time period, depends more on the facts of the case, which should be appraised individually⁹.

It can also be pointed out that 4% of the dismissals are based on the lack of jurisdiction of the judge seized: in some cases the patentees lodged their request for preliminary injunction with the judge managing the case pursuant to Article 771 of the New French Code of Civil Procedure; they acted wrongly: as Article L. 615-3 of the French Intellectual Property Code grants special power to the Presiding Judge of the court seized with an action for infringement, it is only before this judge, who is seized with the request and rules on it as in summary proceedings, that a request for preliminary injunction can be lodged.

Moreover, 6% of the dismissals are based on the fact that the primary support of the request for preliminary injunction was a patent application and not a granted patent.

When the owner of a patent application is aware that his product/process is infringed, he must initiate an action on the merits within short time if he wants to keep the possibility to request preliminary injunction.

Even though the applicant is chomping at the bit he may have to wait for several months because he will only be allowed to lodge his request for preliminary injunction once his patent is issued.¹⁰

⁹ As a matter of interest, it can be noted a surprising inversion of the roles between the patentee and the defendant in the infringement action relating to when to appraise the short time limit; the issue was to know whether some acts were to be considered as infringing. In concrete terms, some defendants, manufacturers of generic drugs notably, against whom a request for preliminary injunction was lodged, argued (at first sight against themselves) that their own marketing authorization application was an infringing act. This argument was surprising only at first sight. Its aim was to support that, as more than 6 months had passed between this marketing authorization application (or the publication of the grant) and the claim for infringement, the request for preliminary injunction was inadmissible. Case law was rapidly established and set aside this opportunistic argument. It recalls that a marketing authorization application (or the publication of the grant) is not an infringing act (Cass. Com. March 24, 1998, *PIBD* 1998, No. 656.III.320, *RTD com.* 1998, p.587, obs. Azéma; TGI Paris, order of July 4, 1997, *PIBD* 1997 No. 640.III.527). Therefore, it is established today that the short time limit to initiate an action for infringement on the merits relating to a drug begins as of the day the patentee is aware of the first acts of manufacture, marketing, or offer for sale, and not as of the day of the marketing authorization application (or the publication of the grant).

¹⁰ Cass. Com. March 1st, 1994, *RD Propr. ind.* 1994, No. 53, p.19, obs. Y. Marcellin et J.-P. Martin, *Dossiers Brevets* 1994. II. 5, *RTD com.* 47 (3) July - September 1994, note J. Azéma, rejecting the appeal on points of law against Paris, February 26, 1992, *PIBD* 1992 No. 523.III.306. See also: Aix-en-Provence, February 22, 1989, *Dossiers Brevets* 1990. II. 4; Paris, December 12, 1997, *PIBD* 1998 No. 658.III.390; Toulouse, December 10, 1998, *Dossiers Brevets* 1998.IV.5; TGI Rennes, May 24, 2000, *PIBD* 2000 No. 705.III.433.

Finally, by highlighting the existence of one decision dismissing the request for preliminary injunction on the grounds that no action on the merits had previously been initiated¹¹, even if it is in passing interest, illustrates that the request for preliminary injunction is not an independent action but is necessarily combined with a patent infringement action initiated on the merits¹².

To conclude with a historical observation: the decisions dismissing the requests for preliminary injunction either for lack of irreparable harm or for lack of industrial exploitation were handed down under the initial French Act No. 84-500 of 1984, June 27th, which had laid down these two supplementary requirements for a request for preliminary injunction be acceded to; these requirements were dispensed with in the French Act No. 90-1052 of 1990, November 26th.

3.3. The grounds justifying the preliminary injunctions

In the decisions allowing the injunction, the judge examined the prior art documents cited by the defendants setting aside the lack of novelty, inventive step, insufficient disclosure relied upon and judged whether the claims at issue were highly likely to be held valid by the judges dealing with the merits of the case.

The judge seized with the preliminary injunction, like the judge dealing with the merits of the case, also compared, from the *saisie-contrefaçon* reports, the allegedly infringing products with the patented products appraising whether the factual aspects of the infringement were not seriously disputable¹³.

¹¹ TGI Nancy, order of September 24, 1996, *PIBD* 1997 No. 624.III.34, upheld by Nancy, March 4, 1997, unpublished.

¹² In matters of trade marks, on which the legal texts are similar, case law had to specify that the requirement of previously seizing the court dealing with the merits of the case meant that the request for preliminary injunction was admissible only if it was lodged in a writ of summons notified after the writ of summons on the merits had been notified and registered by the clerk of the court (TGI Paris, order of March 7, 2003, *PIBD* 2003 No. 765.III.295).

¹³ A ground is often relied upon in the orders and it reflects the level of analysis of the judge: “*The judge dealing with the preliminary proceedings has not to analyse on the merits each of the cited claims and to determine whether they exhibit inventive step making them patentable. He has just to analyse whether the action on the merits is likely to succeed, which supposes that the documents cited in defence should not include an argument of total or even partial invalidity.*” (TGI Paris, order of May 11, 1990, *PIBD* 1990 No. 489.III.670)

Here are some grounds from the decisions granting preliminary injunction:

- *“patents corresponding to the patent at issue were issued in numerous foreign countries, whose examiners set aside the aforementioned prior art documents¹⁴”*;
- *“claim 1 of the [plaintiff’s] European patent corresponds obviously to claim 1 of the French patent [...] the validity of the request as to claim 1 is therefore demonstrated by the agreement of the [European Patent Office] Examination Division¹⁵”*;
- *“the patent was issued with a search report notice bearing the mention “none¹⁶”*;
- *“it seems that the patent is valid as it was maintained in the light of the same prior art documents as the ones cited here again after the opposition proceedings¹⁷”*;
- *“the search report cite no document against the two claims at issue¹⁸”*;
- *“[the manager of one of the defendants] acknowledged [...] in criminal proceedings to escape from a charge for violating secret manufacturing processes, having used the teaching of the [plaintiff’s] French and European patent applications to manufacture the [allegedly infringing product]¹⁹”*;
- *“the chief executive officer of the [defendant], after attempting in vain to be granted a licence for manufacturing cellulose casings, committed various misappropriations of technological data to the detriment of the [plaintiff], which grounded him to be sentenced to three years of imprisonment with warrant for his arrest²⁰”*.

3.4. A low proportion of decisions ordering the posting of a bond or a security

Whereas the Act enables the judge to have the order he might pronounce – continuation of the marketing or preliminary injunction – combined with the posting of a bond or a security, this option is only rarely used.

Fig. 6, shows that in only 6 cases (i.e. 6%) the posting of a bond or a security was ordered in first instance.

¹⁴ TGI Paris, order December 23, 1985, *PIBD* 1986 No. 383.III.46.

¹⁵ TGI Paris, order May 11, 1990, aforementioned.

¹⁶ Lyon, February 24, 1994, *Ann. propr. ind.* 1995, 306.

¹⁷ TGI Paris, order November 15, 2000, unpublished.

¹⁸ TGI Paris, order April 28, 1994, unpublished.

¹⁹ TGI Paris, order November 15, 2000, aforementioned.

²⁰ TGI Paris, order December 23, 1985, aforementioned.

This posting can be pronounced against the plaintiff or the defendant.

When pronounced against the defendant, it is aimed at securing the compensation of the patentee in case the infringement is decided later; its amount takes into account the damage suffered by the patentee as a result of the infringement, if it is to be established by a decision on the merits.

Several circumstances are mentioned in the listed decisions to ground this order, like:

- the plaintiff's patent is about to expire at the same time as that of the decision.²¹;
- the patentee does not market, directly or via a licensee, the patented product²²;
- the patentee lodged a request for preliminary injunction late after the initiation of the action on the merits²³.

The judge refers himself to a range of indices to set the amount of the security, like the remaining time of validity of the patent²⁴, the price of the allegedly infringing products²⁵ or the amount of the fees that the patentee would have received if the defendant was granted a licence²⁶.

When directed to the patentee-plaintiff, the posting of a security is aimed at securing the possible compensation for the damage suffered by the defendant if the infringement action is dismissed later.

This order was pronounced only in one case in first instance²⁷; it was also pronounced once in appeal²⁸.

²¹ TGI Lyon, order July 19, 1991, *PIBD* 1992 No. 513.III.2.

²² Nancy, March 4, 1997, *PIBD* 1998 No. 649.III.125.

²³ Nancy, March 4, 1997, aforementioned.

²⁴ Nancy, March 4, 1997, aforementioned.

²⁵ TGI Nancy, order September 24, 1996, *PIBD* 1997 No. 624 .III.32, upheld by Nancy, March 4, 1997, aforementioned.

²⁶ TGI Nancy, order September 24, 1996, aforementioned.

²⁷ TGI Paris, order July 2, 1996, *PIBD* 1997 No. 624.III.30.

²⁸ Paris, October 25, 1994, *PIBD* 1995 No. 580.III.27

4. Analysis of the decisions in appeal

The 95 decisions handed down in first instance gave rise to decisions in appeal in 33 cases, i.e. an appeal decision rate of 35% approximately.

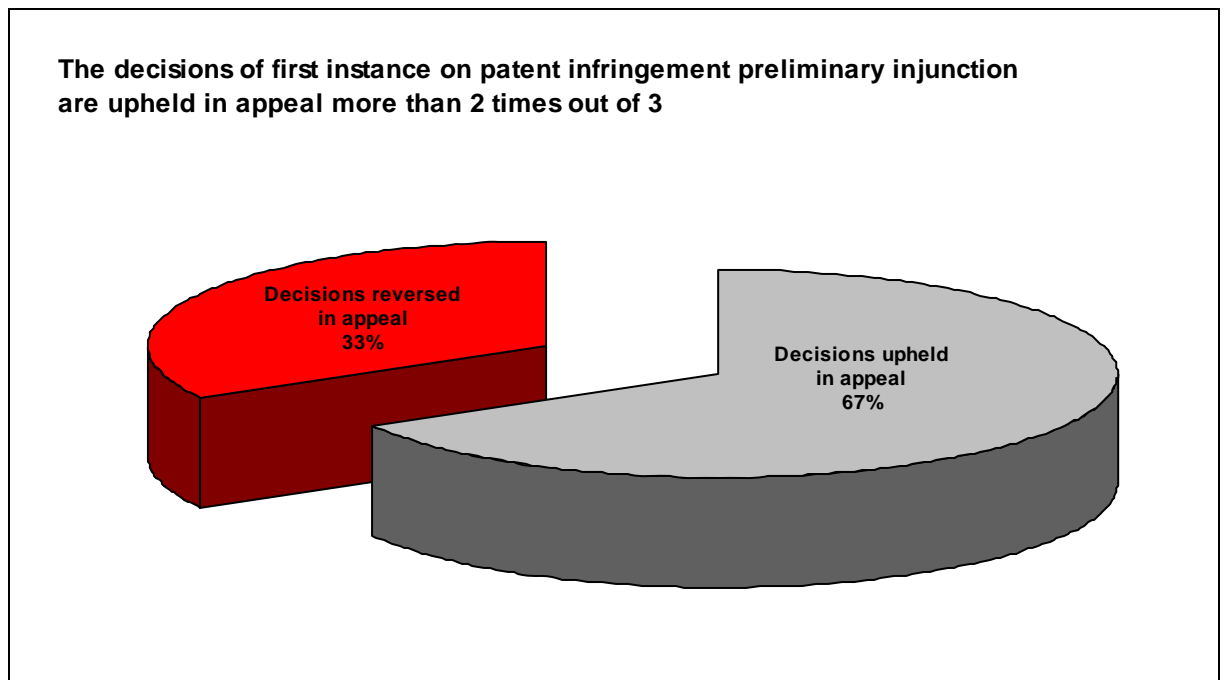


Figure 8: Decisions of first instance regarding patent infringement preliminary injunctions upheld by the courts of appeal

Fig. 8 shows that the rate of the decisions on request for preliminary injunction upheld in appeal represents 67% and the decisions reversed amount to 33% correspondingly.

This confirmation rate can be compared to the (total or partial) confirmation rate of the Court of Appeal of Paris for the patent infringement decisions handed down on the merits by the Court of First Instance of Paris, which amounted to 85% in 1999, or to the general confirmation rate including all matters of litigation, which amounted to 76% in 1995.

The relatively high proportion of patent infringement preliminary injunction reversals is, from our point of view, an indication of the complexity of the cases and of the heated discussions which arose.

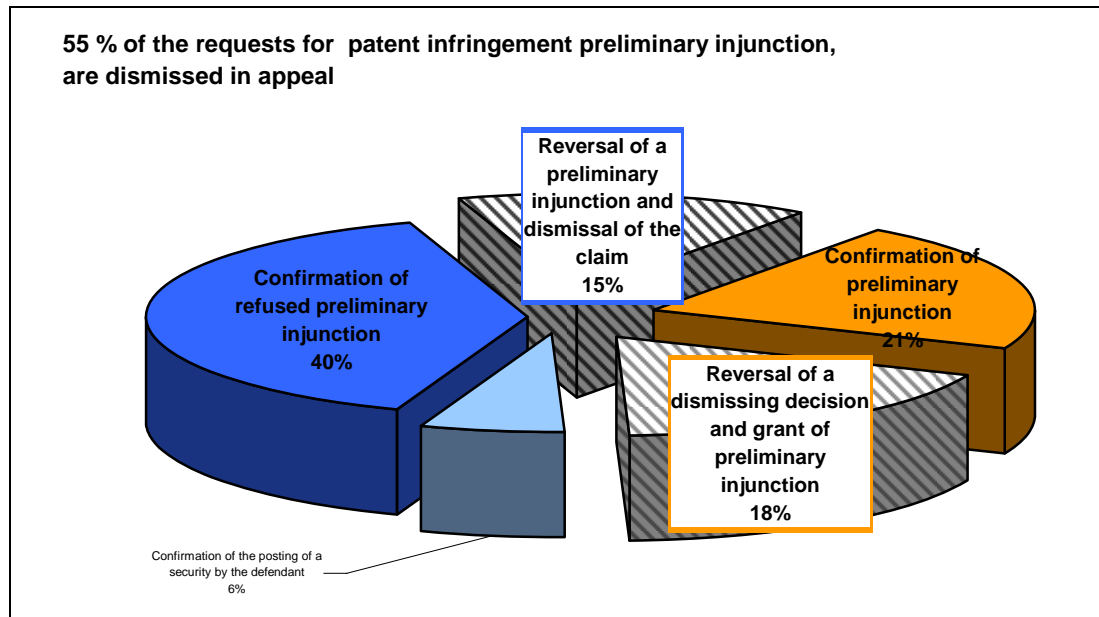


Figure 9: Outcome of the appeal decisions on requests for patent infringement preliminary injunction

This analysis is quite complex.

In the first instance, Fig. 9 shows that 55% of the requests for preliminary injunction are dismissed by the courts of appeal.

Secondly, that the requests are acceded to in 39% of the cases; 6 decisions (i.e. 18%) can be noted in particular because they ordered preliminary injunction whereas it had been refused in first instance.

Thirdly, that the dismissal rate of the requests for preliminary injunction is lower in appeal than in first instance.

And lastly, that the low number of the analysed decisions (33 in total) can however not affirm that it is a real tendency and not a statistical accident.

5. Final outcome of the requests for preliminary injunction

When only the final decision rendered in each case is taken into consideration (first instance, appeal and *cassation*, appeal on a point of law), the outcome of the preliminary injunction proceedings is not much different.

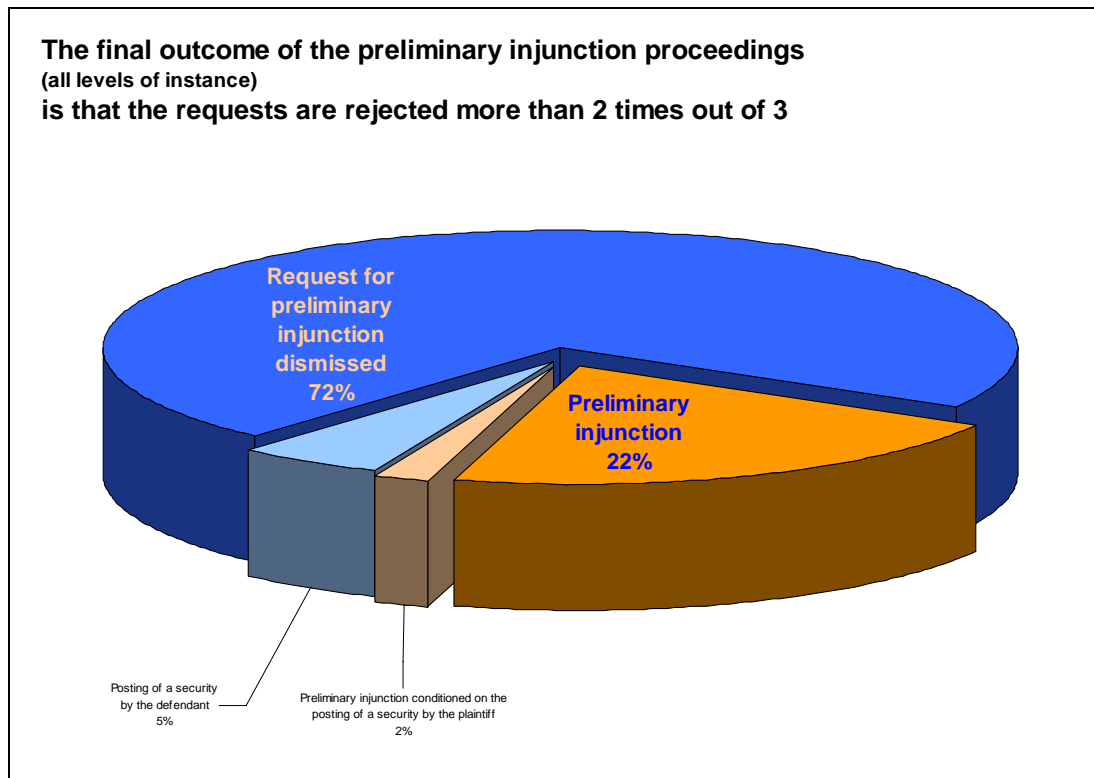


Figure 10: Outcome of the requests for patent infringement preliminary injunction

The final outcome of the requests for patent infringement preliminary injunction is illustrated in Fig. 10, showing that the requests are dismissed in 72% of the cases.

This percentage is not much different from that of the requests for preliminary injunction dismissed in first instance, which amounts to 74%.

6. Preliminary injunction and action on the merits

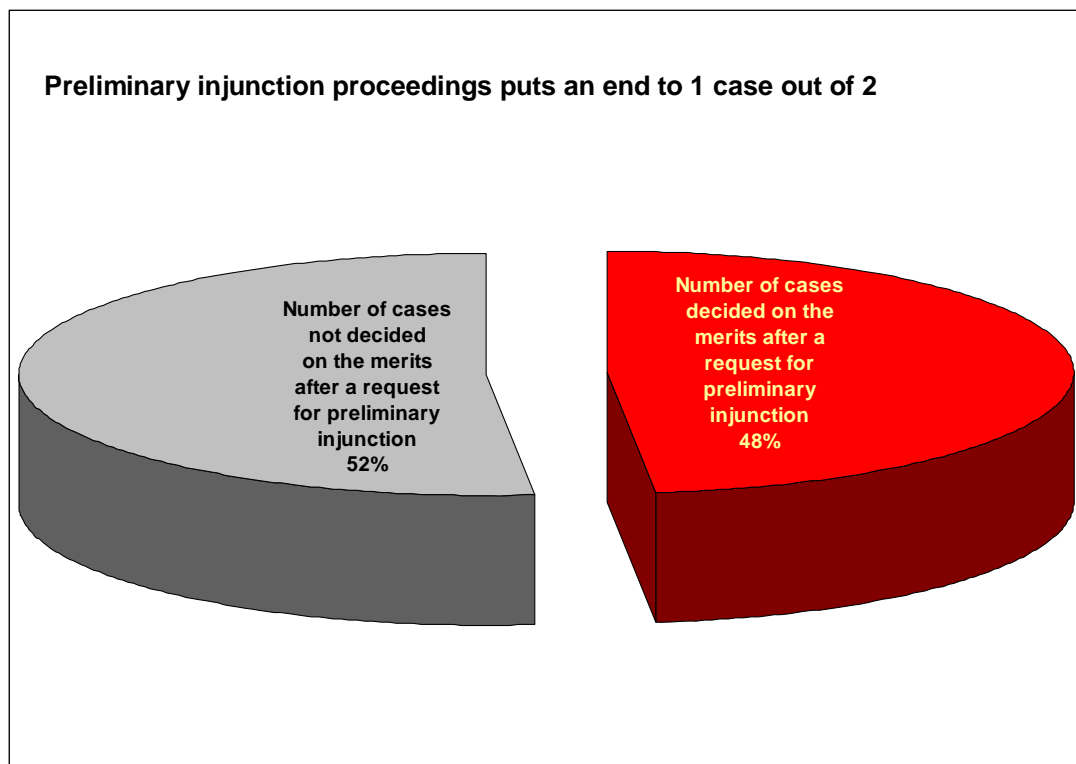


Figure 11: Number of cases having given rise to a decision on the merits after a request for preliminary injunction

While 95 decisions on request for preliminary injunction were identified, 46 corresponding decisions (48%) handed down on the merits of the case were recorded:

- out of the 20 ordered preliminary injunctions, 9 actions ended in a decision on the merits and, among those, 7 were successful;
- on the contrary, out of the 70 dismissed requests for preliminary injunction, 35 actions ended in a decision on the merits and, among those, 11 were successful.

The comparison of the number of actions requesting preliminary injunctions with the number of actions initiated on the merits shows that, whatever the outcome of the request for preliminary injunction (granted or dismissed), it will be followed by a final decision on the merits only in one case out of two.

The preliminary injunction proceedings seem to alleviate the workload of the courts since they put an end to one case out of two.²⁹

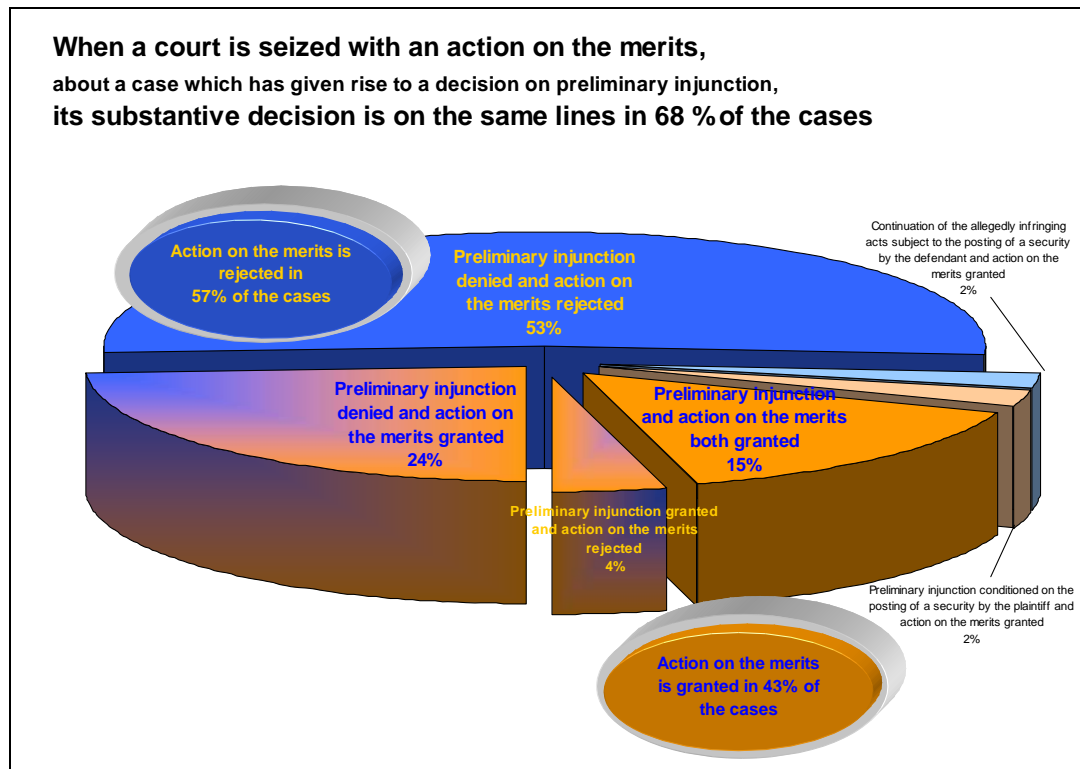


Figure 12: Outcome of the patent infringement preliminary injunction compared to the outcome of the action on the merits

Fig. 12 gathers the cases which at the same time comprise a decision on request for preliminary injunction and a decision on the merits.

It shows the convergences or divergences in case law between these two types of court decisions and brings three teachings.

Out of the 46 decisions pronounced on the merits of the case, a large portion, 33 (i.e. 72%) followed the same lines as the decisions rendered on request for preliminary injunction.

Furthermore, 24 decisions out of the 46 listed decisions dismissed the claims on the merits when the requested preliminary injunction had been previously refused.

²⁹ In the Dutch practice the preliminary injunction proceedings (*kort geding*) put an end to the quasi totality of the disputes.

Similarly, 9 decisions allowed the claims on the merits when a preliminary injunction had been previously ordered or when the allegedly infringing acts could continue provided that the defendant posted a bond or a security.

This high degree of conformity shows that the preliminary injunction proceedings are a mean to clarify and screen patent cases so that a rapid decision can be handed down, prefiguring the final outcome of the litigation.

It can also be noted that the patentee, who lodged a request for preliminary injunction, is successful on the merits in only 20 cases out of 46 (i.e. 43%) whereas, generally, the patentee succeeds in 57% of the cases³⁰.

This lower success rate raises the question whether the preliminary injunction proceedings brings bad luck to the patentee lodging it.

This superstitious interpretation masks the fact that the cases where the patentee's right was clear were in fact closed just after the preliminary injunction proceedings, indicating that only the thorniest cases end in a final decision on the merits.

The conclusion is not that only the most uncertain cases are referred to the judge of the preliminary injunction but rather that after a request for preliminary injunction only the cases where the patentee persists unduly are decided on the merits.

On the other hand, 13 decisions out of the 46 listed ones (i.e. 28%) show divergence in case law between the decision on request for preliminary injunction and the decision on the merits.

Among those, 11 decisions (i.e. 24%) allowed the claims on the merits when the requested preliminary injunction had previously been refused.

This appreciable amount proves, if needed, that failure of the request for preliminary injunction is not necessarily synonymous of failure on the merits of the case and that all hope is not lost even if the first wave of attack was not successful.

³⁰ Source: Patent Infringement Litigation in France. Statistical Study 1990-1999, Pierre Véron, November 2001.

In fact, only 2 cases resulted in thorny situations, where the order of preliminary injunction was followed by the dismissal of the claim for infringement.

Compared to the 20 ordered preliminary injunctions, the risk (10%) is not high in such complex litigation.

7. Conclusion

The analysis of 20 years of application of the French Act No. 84-500 of 1984, June 27th shows that the patent infringement preliminary injunction, in spite of requirements relaxed by the French Act No. 90-1052 of 1990, November 26th, remains exceptional: rarely requested, it is granted only in cases above all suspicion.

Nothing assumes that this “reserved” adolescent will turn into a rebellious or exuberant 40 year old, so it is probably safe to assume that we should expect more of the same in future.

Dénombrement des décisions

Affaires au fond 1984-2004	6000	100%
Nombre de procédures et nombre de "décisions"		
Nombre de procédures en 1 ^{ère} instance	80	
Nombre de "décisions" (= brevets invoqués)	95	2%
Procédure d'interdiction provisoire		
Nombre de décisions de 1 ^{ère} instance sur demande d'interdiction provisoire	95	100%
Nombre de décisions d'appel sur demande d'interdiction provisoire	33	35%
Nombre de décisions de cassation sur demande d'interdiction provisoire	4	4%
Procédure au fond		
Nombre d'affaires au fond recensées (% décisions sur demande d'interdiction provisoire)	46	48%
Nombre de décisions de 1 ^{ère} instance au fond	46	100%
Nombre des décisions d'appel au fond	15	33%
Nombre des décisions de cassation au fond	5	11%

Publication des décisions

Interdiction provisoire

Première instance	95	100%
Publiées	45	47%
Inédites	50	53%
Appel	33	100%
Publiées	20	61%
Inédites	13	39%
Cassation	4	100%
Publiées	3	75%
Inédites	1	25%
Total	132	100%
Publiées	68	52%
Inédites	64	48%

Fond

Première instance	46	100%
Publiées	31	67%
Inédites	15	33%
Appel	15	100%
Publiées	9	60%
Inédites	6	40%
Cassation	5	100%
Publiées	4	80%
Inédites	1	20%
Total	66	100%
Publiées	44	67%
Inédites	22	33%
Total		
Total général (demandes d'interdiction provisoire et fond)	198	100%
Publiées	112	57%
Inédites	86	43%

Procédure d'interdiction provisoire en première instance

Issue des demandes d'interdiction provisoire en première instance		
Nombre de décisions de 1 ^{ère} instance sur demande d'interdiction provisoire	95	100%
Interdiction provisoire ordonnée	19	20%
Interdiction provisoire ordonnée sous réserve de constitution de garantie par le breveté	1	1%
Poursuite de l'activité arguée de contrefaçon subordonnée à la constitution d'une garantie par le défendeur	5	5%
Interdiction provisoire refusée	70	74%

Motif de rejet des demandes d'interdiction provisoire en première instance		
Nombre total de rejet de demandes d'interdiction provisoire en première instance	70	100%
Bref délai non respecté	17	24%
Action au fond non sérieuse	39	56%
Incompétence du juge saisi	3	4%
Action au fond non introduite	1	1%
Action fondée sur demande de brevet	4	6%
Absence de préjudice irréparable	1	1%
Absence d'exploitation industrielle	2	3%
Motif inconnu	3	4%

Procédure d'interdiction provisoire en appel

Issue des demandes d'interdiction provisoire en appel		
Nombre de décisions d'appel sur demande d'interdiction provisoire	33	100%
Interdiction provisoire ordonnée en appel	12	36%
Interdiction provisoire ordonnée en appel sous réserve de constitution de garantie par le demandeur	1	3%
Poursuite de l'activité arguée de contrefaçon subordonnée en appel à la constitution d'une garantie par le défendeur	2	6%
Interdiction provisoire refusée en appel	18	55%

Sens des décisions d'appel sur demandes d'interdiction provisoire		
Nombre de décisions d'appel	33	100%
Décisions confirmées en appel	22	67%
Décisions infirmées en appel	11	33%

Analyse des décisions d'appel sur demandes d'interdiction provisoire		
Nombre de décisions d'appel	33	100%
Confirmation d'un refus d'interdiction provisoire	13	39%
Infirmation d'une décision d'interdiction provisoire et rejet de la demande	5	15%
Confirmation d'une interdiction provisoire	7	21%
Infirmation d'une décision de rejet et prononcé de l'interdiction provisoire	6	18%
Confirmation de la constitution d'une garantie par le défendeur	2	6%

Procédure d'interdiction provisoire devant la Cour de cassation

Issue des demandes d'interdiction provisoire en cassation		
Nombre de décisions de la Cour de cassation sur demande d'interdiction provisoire	4	100%
Décisions de la Cour de cassation dans le sens de l'interdiction provisoire	3	75%
Décisions de la Cour de cassation dans le sens de l'interdiction provisoire avec constitution de garantie par le breveté	0	0%
Décisions de la Cour de cassation dans le sens de la poursuite de l'activité avec constitution de garantie par le défendeur	0	0%
Décisions de la Cour de cassation dans le sens du refus de l'interdiction provisoire	1	25%

Issue des procédures d'interdiction provisoire tous degrés confondus

Issue des demandes d'interdiction provisoire		
Total des décisions statuant sur une demande d'interdiction provisoire	95	100%
Interdiction provisoire	20	21%
Interdiction provisoire subordonnée à la constitution d'une garantie par le breveté	2	2%
Poursuite de l'activité arguée de contrefaçon subordonnée à la constitution d'une garantie par le défendeur	5	5%
Rejet de la demande d'interdiction provisoire	68	72%

Procédure au fond

Comparaison du nombre de décisions d'interdiction provisoire et de décisions au fond		
Nombre de décisions d'interdiction provisoire	95	100%
Affaires portées au fond après une décision d'interdiction provisoire	46	48%
Affaires non portées au fond après la décision d'interdiction provisoire	49	52%

Issue des demandes au fond en première instance		
Nombre de décisions au fond en première instance	46	100%
Condamnation du défendeur en première instance	21	46%
Rejet de la demande en contrefaçon en première instance	25	54%

Issue des demandes au fond en appel		
Nombre de décisions au fond en appel	15	100%
Condamnation du défendeur en appel	7	47%
Rejet de la demande en contrefaçon en appel	8	53%

Issue des demandes au fond devant la Cour de cassation		
Nombre de décisions de la Cour de cassation sur la demande au fond	5	100%
Décisions de la Cour de cassation dans le sens de la condamnation du défendeur	3	60%
Décisions de la Cour de cassation dans le sens du rejet de la demande en contrefaçon	2	40%

Issue des demandes au fond tous degrés confondus		
Nombre de décisions au fond	46	100%
Total des condamnations du défendeur	20	43%
Total des rejets de la demande en contrefaçon	26	57%

Rapport demande d'interdiction provisoire et engagement de la procédure au fond

Total des décisions statuant sur une demande d'interdiction provisoire	95	100%
Interdiction provisoire ordonnée sans action au fond formée	11	12%
Interdiction provisoire ordonnée et action au fond formée	9	9%
Interdiction provisoire refusée sans action au fond formée	33	35%
Interdiction provisoire refusée et action au fond formée	35	37%
Constitution d'une garantie par le défendeur sans action au fond formée	4	4%
Constitution d'une garantie par le défendeur et action au fond formée	1	1%
Interdiction provisoire subordonnée à la constitution d'une garantie par le breveté sans action au fond formée	1	1%
Interdiction provisoire subordonnée à la constitution d'une garantie par le breveté et action au fond formée	1	1%

Issue de la demande d'interdiction provisoire et issue de la procédure au fond

Nombre d'affaires ayant donné lieu à une décision sur l'interdiction provisoire et à une décision sur le fond	46	100%
Interdiction provisoire ordonnée et action au fond accueillie	7	15%
Interdiction provisoire ordonnée et action au fond rejetée	2	4%
Interdiction provisoire refusée et action au fond accueillie	11	24%
Interdiction provisoire refusée et action au fond rejetée	24	52%
Interdiction provisoire ordonnée sous constitution de garantie par le breveté et action au fond accueillie	1	2%
Poursuite de l'exploitation sous constitution de garantie par le défendeur et action au fond accueillie	1	2%

Chacune des 80 "affaires" est répertoriée par le nom du ou des demandeurs suivi du nom du ou des défendeurs. Lorsqu'une demande s'appuie sur plusieurs brevets la décision prise pour chacun d'eux est indiquée séparément. L'étude traite comme une "décision" la décision prise pour chaque brevet ; une ordonnance, un jugement ou un arrêt traitant de demandes fondées sur plusieurs brevets est donc analysé en autant de "décisions".

Les 80 "affaires" concernant 95 brevets ont ainsi donné lieu, en additionnant les décisions concernant plusieurs brevets et les décisions rendues aux différents niveaux (première instance, appel, cassation), tant sur la demande d'interdiction provisoire que sur le fond, à un total de 198 "décisions".

Pour chaque étape de la procédure (interdiction provisoire, procédure au fond), le résultat du plus haut niveau saisi est indiqué en caractère gras pour visualiser l'issue finale de cette étape.

STEP contre COSTER et SPA

N° 1**Brevet: FR 71 13220**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
12/07/1985 TGI Paris	Action au fond non sérieuse	PIBD 1986, n° 381, III, 5
Action au fond	Accueil	
Fond, première instance		
26/02/1988 TGI Paris	Rejet	PIBD 1989, n° 463, III, 491
Fond, appel		
13/06/1989 Paris	Accueil	PIBD 1989, n° 463, III, 491
Fond, cassation		
02/07/1991 Cass. Com.	Accueil	PIBD 1992, n° 514, III, 23

AROUETTE et CETEXEL contre S.A. HEURE ET CONTRÔLE

N° 2**Brevet: FR 71 47207****N° 2-1**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
07/11/1985 TGI Paris	Action au fond non sérieuse	Inédit
Action au fond	Rejet	
Fond, première instance		
18/12/1987 TGI Paris	Rejet	PIBD 1988, n° 434, III, 228

Brevet: FR 72 341175**N° 2-2**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
07/11/1985 TGI Paris	Action au fond non sérieuse	Inédit
Action au fond	Accueil	
Fond, première instance		
18/12/1987 TGI Paris	Accueil	PIBD 1988, n° 434, III, 228

Brevet: FR 74 36050**N° 2-3**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
07/11/1985 TGI Paris	Action au fond non sérieuse	Inédit
Action au fond	Rejet	
Fond, première instance		
18/12/1987 TGI Paris	Rejet	PIBD 1988, n° 434, III, 228

Brevet: FR 83 10292 **N° 2-4**
Demande d'interdiction provisoire **Rejet**
 Interdiction provisoire, première instance
 07/11/1985 TGI Paris Action fondée sur demande de brevet Inédit

UNION CARBIDE et VISCORA contre VISCOFAN
N° 3**Brevet: FR 72 20818**

Demande d'interdiction provisoire **Interdiction provisoire**
 Interdiction provisoire, première instance
 23/12/1985 TGI Paris Interdiction provisoire PIBD 1986, n° 383, III, 46
 Interdiction provisoire, appel
 27/11/1986 Paris Interdiction provisoire PIBD 1987, n° 406, III, 65

Action au fond **Accueil**
 Fond, première instance
 20/01/1987 TGI Paris Accueil PIBD 1987, n° 413, III, 224
 Fond, appel
 27/04/1989 Paris Accueil PIBD 1991, n° 510, III, 629
 Fond, cassation
 06/05/1991 Cass. Com. Accueil PIBD 1991, n° 510, III, 627

POCACHARD contre STECA LTR et BRIEL
N° 4**Brevet: FR 69 39558** **N° 4-1**

Demande d'interdiction provisoire **Rejet**
 Interdiction provisoire, première instance
 10/04/1986 TGI Paris Action au fond non sérieuse PIBD 1987, n° 412, III, 198

Action au fond **Rejet**
 Fond, première instance
 30/10/1987 TGI Paris Rejet PIBD 1988, n° 430, III, 124

Brevet: FR 73 05697 **N° 4-2**

Demande d'interdiction provisoire **Rejet**
 Interdiction provisoire, première instance
 10/04/1986 TGI Paris Action au fond non sérieuse PIBD 1987, n° 412, III, 198

Action au fond **Rejet**
 Fond, première instance
 30/10/1987 TGI Paris Rejet PIBD 1988, n° 430, III, 124

PRODEL contre SEIV AUTOMATION devenue RENAULT
N° 5**Brevet: FR 83 04084** **N° 5-1**

Demande d'interdiction provisoire **Rejet**
 Interdiction provisoire, première instance
 12/06/1986 TGI Paris Action au fond non sérieuse PIBD 1988, n° 440, III, 391
 Interdiction provisoire, appel
 07/05/1987 Paris Absence de préjudice difficilement réparable Inédit

Action au fond **Rejet**
 Fond, première instance
 21/04/1988 TGI Paris Rejet PIBD 1988, n° 440, III, 391
 Fond, appel
 16/03/1989 Paris Rejet PIBD 1989, n° 457, III, 313

Brevet: FR 81 17272		N° 5-2	
Demande d'interdiction provisoire		Rejet	
Interdiction provisoire, première instance			
12/06/1986	TGI Paris	Action au fond non sérieuse	PIBD 1988, n° 440, III, 391
Interdiction provisoire, appel			
07/05/1987	Paris	Absence de préjudice difficilement réparable	Inédit
Action au fond		Accueil	
Fond, première instance			
21/04/1988	TGI Paris	Accueil	PIBD 1988, n° 440, III, 391
Fond, appel			
16/03/1989	Paris	Accueil	PIBD 1989, n° 457, III, 313

OUTINORD SAINT-AMAND contre ROB'S EQUIPEMENT**N° 6****Brevet: FR 72 13069**

Demande d'interdiction provisoire		Rejet	
Interdiction provisoire, première instance			
27/11/1987	TGI Paris	Action au fond non sérieuse	PIBD 1988, n° 430, III, 128
Interdiction provisoire, appel			
30/06/1988	Paris	Action au fond non sérieuse	Ann. propr. ind. 1988, 148

AMFNT et DEF AUT contre IMAGINEM**N° 7****Brevet: FR 86 12058**

Demande d'interdiction provisoire		Rejet	
Interdiction provisoire, première instance			
24/05/1988	TGI Marseille	Interdiction provisoire	PIBD 1990, n° 486, III, 573
Interdiction provisoire, appel			
22/02/1989	Aix	Action au fond non sérieuse	Dossiers Brevets 1990, II, 4
Action au fond		Rejet	
Fond, première instance			
26/06/1990	TGI Marseille	Rejet	PIBD 1990, n° 486, III, 573

ESCOUTE, NORLAC PLASTIQUE contre TEFAL**N° 8****Brevet: FR 80 04867****N° 8-1**

Demande d'interdiction provisoire		Rejet	
Interdiction provisoire, première instance			
13/06/1988	TGI Paris	Action au fond non sérieuse	Ann. propr. ind. 1988, 150
Action au fond		Rejet	
Fond, première instance			
19/04/1989	TGI Paris	Rejet	PIBD 1989, n° 462, III, 469

Brevet: FR 84 04524**N° 8-2**

Demande d'interdiction provisoire		Rejet	
Interdiction provisoire, première instance			
13/06/1988	TGI Paris	Action au fond non sérieuse	Ann. propr. ind. 1988, 150
Action au fond		Rejet	
Fond, première instance			
19/04/1989	TGI Paris	Rejet	PIBD 1989, n° 462, III, 469

SILEX ENTREPRISE contre COMPTOIR METALU GENEVOIS**N° 9****Brevet: FR 25 89224**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
14/10/1988 TGI Lyon	Absence d'exploitation industrielle	PIBD 1988, n° 446, III, 588

HENRIOT et HENGEL contre PVF**N° 10****Brevet: FR 83 12506**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
30/11/1988 TGI Lyon	Action au fond non sérieuse	Inédit
Action au fond	Accueil	
Fond, première instance		
19/12/1990 TGI Lyon	Accueil	Inédit
Fond, appel		
21/04/1994 Lyon	Accueil	Inédit

SODEME contre BEMS**N° 11****Brevet: FR 86 15576**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
06/09/1989 TGI Bordeaux	Pas de préjudice irréparable	PIBD 1990, n° 469, III, 7

STANLEY BOSTITCH contre CASTEL-AGRAF**N° 12****Brevet: EP 0 118 177**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
12/02/1990 TGI Paris	Bref délai non respecté	Dossiers Brevets 1990, II, 5

MANENC et ACFAL contre SOGEDIAL et HYDRO ALUMINIUM**N° 13****Brevet: FR 86 03383**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
06/03/1990 TGI Toulouse	Absence d'exploitation industrielle	Inédit

SEB contre MOULINEX**N° 14****Brevet: FR 87 06728**

Demande d'interdiction provisoire	Interdiction provisoire	
Interdiction provisoire, première instance		
11/05/1990 TGI Paris	Interdiction provisoire	PIBD 1990, n° 489, III, 670
Action au fond	Accueil	
Fond, première instance		
23/11/1990 TGI Paris	Accueil	PIBD 1991, n° 499, III, 263
Fond, appel		
01/12/1992 Paris	Accueil	PIBD 1993, n° 541, III, 220
Fond, cassation		
15/11/1994 Cass. Com.	Accueil	PIBD 1995, n° 581, III, 51

BOUILLET contre FMJ**N° 15****Brevet: FR 85 03394****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

30/10/1990 TGI Lyon

Action au fond non sérieuse

PIBD 1991, n° 492, III, 43

Action au fond**Rejet**

Fond, première instance

14/03/1990 TGI Lyon

Rejet

Inédit

Fond, appel

14/05/1992 Lyon

Rejet

Inédit

Fond, cassation

05/07/1994 Cass. Com.

Rejet

PIBD 1994, n° 577, III, 557

LEROUX, CHENARD ET CORNUT contre BABYLISS ET DARTY & FILS**N° 16****Brevet: EP 0 259 304****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

04/02/1991 TGI Paris

Bref délai non respecté

Inédit

RICARD contre DENZER**N° 17****Brevet: FR 25 48413****Demande d'interdiction provisoire****Constitution d'une garantie (défendeur)**

Interdiction provisoire, première instance

31/05/1991 TGI Marseille

Constitution d'une garantie (défendeur)

Dossiers Brevets 1991, II, 8

SOFAMOR contre DIMSO et DIMSO INDUSTRIE**N° 18****Brevet: FR 88 08538****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

27/06/1991 TGI Paris

Bref délai non respecté

Dossiers Brevets 1991, V, 8

Interdiction provisoire, appel

26/02/1992 Paris

Bref délai non respecté

PIBD 1992, n° 523, III, 306

Interdiction provisoire, cassation

01/03/1994 Cass. Com.

Rejet

PIBD 1994, n° 573, III, 441

Action au fond**Accueil**

Fond, première instance

29/10/1992 TGI Paris

Accueil

PIBD 1993, n° 537, III, 84

MONSANTO contre LILY France et DISTA PRODUCTS**N° 19****Brevet: EP 0 177 478****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

11/07/1991 TGI Paris

Action au fond non sérieuse

RD propr. int. 1991 n° 37, 53

CANTENOT et STARVAC contre FALCOZ VIGNE et CELLIER **N° 20****Brevet: FR 71 38336**

Demande d'interdiction provisoire	Constitution d'une garantie (défendeur)	
Interdiction provisoire, première instance		
19/07/1991 TGI Lyon	Constitution d'une garantie (défendeur)	PIBD 1992, n° 513, III, 2

MONSANTO contre LIILY France et DISTA PRODUCTS **N° 21****Brevet: EP 0 177 478**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
09/01/1992 TGI Paris	Bref délai non respecté	RD propr. int. 1992, n° 39, 28

L'OREAL contre ESTEE LAUDER, SOGEL et ESTEE LAUDER NV **N° 22****Brevet: EP 0 293 579**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
04/03/1992 TGI Paris	Bref délai non respecté	Inédit
Action au fond	Accueil	
Fond, première instance		
16/11/1994 TGI Paris	Accueil	PIBD 1995, n° 583, III, 115
Fond, appel		
24/04/1998 Paris	Accueil	Dossiers Brevets 1998, II, 2

PELLENC ET MOTTE contre BINGER SEILZUG **N° 23****Brevet: FR 83 18167**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
04/06/1992 TGI Lyon	Incompétence	PIBD 1992, n° 531, III, 548

WELLGO PEDAL'S CORP contre LOOK **N° 24****Brevet: FR 78 33775**

Demande d'interdiction provisoire	Interdiction provisoire	
Interdiction provisoire, première instance		
18/05/1993 TGI Lyon	Interdiction provisoire	Ann. prop. ind. 1995, 306
Interdiction provisoire, appel		
24/02/1994 Lyon	Interdiction provisoire	Ann. propr. ind. 1995, 306

DOUBLET contre DEVIANNE DUQUESNOY **N° 25****Brevet: FR 84 03076** **N° 25-1**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
01/07/1993 TGI Paris	Action au fond non sérieuse	Inédit
Action au fond	Accueil	
Fond, première instance		
11/05/1995 TGI Paris	Accueil	PIBD 1995, n° 595, III, 413

Brevet: FR 84 03075	N° 25-2		
Demande d'interdiction provisoire	Rejet		
Interdiction provisoire, première instance			
01/07/1993 TGI Paris	Action au fond non sérieuse		Inédit
Action au fond	Accueil		
Fond, première instance			
11/05/1995 TGI Paris	Accueil		PIBD 1995, n° 595, III, 413

GUILLOT ELECTRICITE contre FTSA**N° 26****Brevet: FR 88 15539**

Demande d'interdiction provisoire	Constitution d'une garantie (demandeur)		
Interdiction provisoire, première instance			
13/08/1993 TGI Paris	Action au fond non sérieuse		PIBD 1995, n° 580, III, 27
Interdiction provisoire, appel			
25/10/1994 Paris	Constitution d'une garantie (demandeur)		PIBD 1995, n° 580, III, 27
Action au fond	Accueil		
Fond, première instance			
11/09/1996 TGI Paris	Accueil		JURINPI B19960138

MCA ET OENO CONCEPT contre TECHNIFIL**N° 27****Brevet: FR 79 12443****N° 27-1**

Demande d'interdiction provisoire	Rejet		
Interdiction provisoire, première instance			
05/11/1993 TGI Paris	Rejet, motif ?		Inédit

Brevet: FR 84 54462**N° 27-2**

Demande d'interdiction provisoire	Rejet		
Interdiction provisoire, première instance			
05/11/1993 TGI Paris	Rejet, motif ?		Inédit

LAMOTTE et PRESTO FUTES contre GAGNERAUD**N° 28****Brevet: FR 81 24081**

Demande d'interdiction provisoire	Interdiction provisoire		
Interdiction provisoire, première instance			
28/04/1994 TGI Paris	Interdiction provisoire		Inédit

AGD contre AMIS**N° 29****Brevet: FR 90 01988**

Demande d'interdiction provisoire	Rejet		
Interdiction provisoire, première instance			
07/07/1994 TGI Lyon	Action au fond non sérieuse		Inédit
Action au fond	Rejet		
Fond, première instance			
09/09/1996 TGI Lyon	Rejet		Inédit

MEDRAD contre SEDAT**N° 30****Brevet: EP 0 170 009 N° 30-1****Demande d'interdiction provisoire** RejetInterdiction provisoire, première instance
17/10/1994 TGI Lyon

Bref délai non respecté

Inédit

Brevet: EP 0 346 950 N° 30-2**Demande d'interdiction provisoire** RejetInterdiction provisoire, première instance
17/10/1994 TGI Lyon

Bref délai non respecté

Inédit

ARTOLA contre BAUDOIN et MOUHICA**N° 31****Brevet: FR 76 20192****Demande d'interdiction provisoire** RejetInterdiction provisoire, première instance
08/02/1995 TGI Toulouse

Action au fond non sérieuse

Inédit

MAF contre CAUSTIER France**N° 32****Brevet: FR 89 14069****Demande d'interdiction provisoire** RejetInterdiction provisoire, première instance
05/04/1995 TGI Toulouse

Bref délai non respecté

PIBD 1995, n° 597, III, 493

Action au fond**Rejet**

Fond, première instance

23/01/1997 TGI Toulouse

Rejet

PIBD 1999, n° 679, III, 273

Fond, appel

22/03/1999 Toulouse

Rejet

PIBD 1999, n° 679, III, 273

MEAD CORPORATION et MEAD EMBALLAGE contre RIVERWOOD**N° 33****Brevet: EP 0 179 571****Demande d'interdiction provisoire** RejetInterdiction provisoire, première instance
04/05/1995 TGI Paris

Interdiction provisoire

Inédit

Interdiction provisoire, appel

07/02/1996 Paris

Action au fond non sérieuse

Inédit

SYQUEST TECHNOLOGY contre NOMAI**N° 34****Brevet: FR 94 12118****Demande d'interdiction provisoire** RejetInterdiction provisoire, première instance
27/03/1996 TGI Paris

Incompétence

PIBD 1996, n° 614, III, 369

NEPTUNE et CUISIMER CUISINE DE LA MER contre FLEURY MICHON**N° 35****Brevet: FR 9707207**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
16/04/1996 TGI Paris	Action au fond non sérieuse	JURINPI, B19990122
Action au fond	Rejet	
Fond, première instance		
12/05/1999 TGI Paris	Rejet	JURINPI B19990122
Fond, appel		
27/06/2001 Paris	Rejet	Inédit
Fond, cassation		
03/06/2003 Cass. Com.	Rejet	Inédit

ALLEN & HANBURY contre PROMEDICA et CHIESI FARMACEUTICI**N° 36****Brevet: FR 73 14117**

Demande d'interdiction provisoire	Interdiction provisoire	
Interdiction provisoire, première instance		
18/06/1996 TGI Paris	Interdiction provisoire	PIBD 1997, n° 627, III, 113
Interdiction provisoire, appel		
23/10/1996 Paris	Bref délai non respecté	PIBD 1997, n° 630, III, 199
Interdiction provisoire, cassation		
24/03/1998 Cass. Com.	Interdiction provisoire	PIBD 1998, n° 656, III, 320
Action au fond	Accueil	
Fond, première instance		
18/02/1998 TGI Paris	Accueil	PIBD 1998, n° 658, III, 368

ANSER contre CDP BRADERIE**N° 37****Brevet: FR 86 02387**

Demande d'interdiction provisoire	Constitution d'une garantie (demandeur)	
Interdiction provisoire, première instance		
02/07/1996 TGI Paris	Constitution d'une garantie (demandeur)	PIBD 1997, n° 624, III, 30

UNICE contre MONNERET JOUETS et TAMPOPRINT**N° 38****Brevet: EP 0 233 895**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
23/07/1996 TGI Nancy	Action au fond non introduite	PIBD 1997, n° 624, III, 34
Interdiction provisoire, appel		
04/03/1997 Nancy	Action au fond non introduite	Inédit

GMT contre AESCULAP-ICP et FII**N° 39****Brevet: FR 78 28476****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

24/09/1996 TGI Nancy

Interdiction provisoire, appel

04/03/1997 Nancy

Constitution d'une garantie (défendeur)

Constitution d'une garantie (défendeur)

PIBD 1997, n° 624, III, 32

Constitution d'une garantie (défendeur)

PIBD 1998, n° 649, III, 125

Action au fond

Fond, première instance

29/05/1998 TGI Nancy

Fond, appel

20/08/1998 Nancy

Accueil

Accueil

PIBD 1999, n° 667, III, 1

Accueil

Inédit

STEINHARDT et GIEHL contre ISD ENVIRONNEMENT, CDUL et BIOGEST**N° 40****Brevet: EP 0 211 058****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

07/01/1997 TGI Paris

Rejet

Bref délai non respecté

JURINPI, B19990159

Action au fond

Fond, première instance

19/08/1999 TGI Paris

Fond, appel

19/12/2001 Paris

Rejet

Rejet

JURINPI B19990159

Rejet

Inédit

PIERRE D'ARLANC S.A. contre ETS. LOUIS CALLENS et KIABI**N° 41****Brevet: FR 92 06952****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

04/02/1997 TGI Lille

Interdiction provisoire

Interdiction provisoire

Inédit

SPEKER contre G.R.C.F.**N° 42****Brevet: FR 86 101702****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

10/04/1997 TGI Lyon

Rejet

Action au fond non sérieuse

Inédit

L'AIR LIQUIDE, CHEMOXAL et SEPPIC contre CAIR LGL, SAGAL et AXCELL**N° 43****Brevet: FR 88 15252****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

23/05/1997 TGI Paris

Interdiction provisoire

Interdiction provisoire

PIBD 1997, n° 637, III, 430

Action au fond

Fond, première instance

01/09/1998 TGI Paris

Fond, appel

12/09/2001 Paris

Rejet

Accueil

PIBD 2002, n° 736, III, 66

Rejet

PIBD 2002, n° 736, III, 66

ROXELL contre PRODUITS AVICOLES LILLOIS PAL et EQUIPORAVE**N° 44****Brevet: EP 0 421 553**

Demande d'interdiction provisoire	Interdiction provisoire	
Interdiction provisoire, première instance		
09/06/1997 TGI Paris	Interdiction provisoire	Inédit
Action au fond	Accueil	
Fond, première instance		
28/11/2001 TGI Paris	Accueil	Inédit

IOMEGA contre NOMAI**N° 45****Brevet: EP 96 908 583. 6 N° 45-1**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
20/06/1997 TGI Paris	Action fondée sur demande de brevet	Inédit
Interdiction provisoire, appel		
12/12/1997 Paris	Action fondée sur demande de brevet	PIBD 1998, n° 658, III, 390

Brevet: EP 96 905 193. 7 N° 45-2

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
20/06/1997 TGI Paris	Action fondée sur demande de brevet	Inédit
Interdiction provisoire, appel		
12/12/1997 Paris	Action fondée sur demande de brevet	PIBD 1998, n° 658, III, 390

FISONS contre EUROPHTA**N° 46****Brevet: FR 72 16640**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
04/07/1997 TGI Paris	Action au fond non sérieuse	PIBD 1997, n° 640, III, 527
Action au fond	Rejet	
Fond, première instance		
15/06/1999 TGI Paris	Rejet	PIBD 2000, n° 695, III, 157

R. MARTEAU contre TEMI**N° 47****Brevet: FR 89 13592**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
11/09/1997 TGI Paris	Action au fond non sérieuse	Inédit
Interdiction provisoire, appel		
19/11/1997 Paris	Action au fond non sérieuse	Inédit
Action au fond	Rejet	
Fond, première instance		
20/03/2000 TGI Paris	Rejet	Inédit

MANITOU BF contre JCB AGRI et JC BAMFORD**N° 48****Brevet: FR 93 14367**

Demande d'interdiction provisoire	Interdiction provisoire	
Interdiction provisoire, première instance		
23/09/1997 TGI Paris	Interdiction provisoire	PIBD 1998, n° 645, III, 1

GNR-PHARMA et LES LABORATOIRES KNOLL contre SCIENCE UNION ET N° 49**Brevet: FR 80 20919**

Demande d'interdiction provisoire	Interdiction provisoire	
Interdiction provisoire, première instance 10/10/1997 TGI Paris	Interdiction provisoire	PIBD 1998, n° 653, III, 239
Interdiction provisoire, appel 16/01/1998 Paris	Interdiction provisoire	PIBD 1998, n° 653, III, 239
Interdiction provisoire, cassation 24/10/2000 Cass. Com.	Interdiction provisoire	PIBD 2001, n° 714, III, 71
Action au fond	Accueil	
Fond, première instance 19/10/1999 TGI Paris	Accueil	Inédit

RENISHAW PLC contre DILOR et INSTRUMENTS S.A. N° 50**Brevet: EP 0 543 578**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance 31/10/1997 TGI Paris	Bref délai non respecté	Inédit

WELLCOME FOUNDATION LIMITED contre PAREXEL INT'L, FLAMEL TECH. et N° 51**Brevet: FR 76 26826**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance 06/03/1998 TGI Paris	Action au fond non sérieuse	Inédit
Interdiction provisoire, appel 27/01/1999 Paris	Action au fond non sérieuse	Dossiers Brevets 1999, II, 7
Action au fond	Rejet	
Fond, première instance 20/02/2001 TGI Paris	Rejet	PIBD 2001, n° 729, III, 330

OMC contre BICYPARK N° 52**Brevet: Demande de**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance 16/09/1998 TGI Toulouse	Interdiction provisoire	PIBD 1999, n° 678, III, 249
Interdiction provisoire, appel 10/12/1998 Toulouse	Action fondée sur demande de brevet	PIBD 1999, n° 678, III, 249

GLAXO OPERATION contre LABORATOIRE FLAVELAB N° 53**Brevet: CCP 92 C0194**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance 30/10/1998 TGI Paris	Action au fond non sérieuse	PIBD 1999, n° 675, III, 196
Interdiction provisoire, appel 26/03/1999 Paris	Action au fond non sérieuse	PIBD 1999, n° 681, III, 325
Action au fond	Accueil	
Fond, première instance 28/03/2000 TGI Paris	Accueil	JURINPI B20000069

DEVILLE contre GODIN**N° 54****Brevet: FR 96 03831**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
13/11/1998 TGI Paris	Action au fond non sérieuse	Inédit
Interdiction provisoire, appel		
12/01/2000 Paris	Action au fond non sérieuse	Inédit
Action au fond	Rejet	
Fond, première instance		
13/06/2000 TGI Paris	Rejet	Inédit
Fond, appel		
29/11/2002 Paris	Rejet	Inédit

SOCIETE CIVILE D'INNOVATION contre KOMIS, POSTERMATIC**N° 55****Brevet: FR 93 06140**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
23/12/1998 TGI Rennes	Bref délai non respecté	Inédit

SARA LEE et SARA LEE France contre JOHNSON**N° 56****Brevet: EP 0 538 957**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
26/01/1999 TGI Paris	Interdiction provisoire	Inédit
Interdiction provisoire, appel		
15/09/1999 Paris	Action au fond non sérieuse	Inédit
Action au fond	Rejet	
Fond, première instance		
09/10/2001 TGI Paris	Accueil	PIBD 2002, n° 744, III, 268
Fond, appel		
05/07/2002 Paris	Rejet	PIBD 2002, n° 757, III, 64

EUREXIM contre YASTO**N° 57****Brevet: FR 9612365**

Demande d'interdiction provisoire	Interdiction provisoire	
Interdiction provisoire, première instance		
29/01/1999 TGI Paris	Interdiction provisoire	RD propr. int. 2002, 58
Interdiction provisoire, appel		
27/10/1999 Paris	Interdiction provisoire	RD propr. int. 2002, 58
Action au fond	Rejet	
Fond, première instance		
04/09/2001 TGI Paris	Rejet	RD propr. ind. 2002, 58

ELI LILLY et LILLY France contre FLAVELAB**N° 58****Brevet: FR 75 05039****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

03/03/1999 TGI Rennes

Action au fond non sérieuse

PIBD 1999, n° 686, III, 476

Interdiction provisoire, appel

21/09/1999 Rennes

Action au fond non sérieuse

PIBD 1999, n° 686, III, 476

Action au fond**Rejet**

Fond, première instance

19/03/2001 TGI Rennes

Rejet

PIBD 2001, n° 724, III, 365

DECATHLON contre CARREFOUR France**N° 59****Brevet: FR 93 12449****Demande d'interdiction provisoire****Interdiction provisoire**

Interdiction provisoire, première instance

18/06/1999 TGI Paris

Interdiction provisoire

JURINPI, B19990151

SEPM, MARECHAL et MARECHAL TECHNICAL GROUP contre PROCONNECT**N° 60****Brevet: FR 78 00840****N° 60-1****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

15/09/1999 TGI Paris

Bref délai non respecté

Inédit

Action au fond**Rejet**

Fond, première instance

20/12/2000 TGI Paris

Rejet

Inédit

Brevet: FR 8716574**N° 60-2****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

15/09/1999 TGI Paris

Bref délai non respecté

Inédit

Action au fond**Accueil**

Fond, première instance

20/12/2000 TGI Paris

Accueil

Inédit

PRUNIER DEVELOPPEMENT contre SRL VIGNONI**N° 61****Brevet: EP 0 456 576****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

30/09/1999 TGI Lyon

Action au fond non sérieuse

PIBD 2000, n° 695, III, 161

IOMEGA contre CASTLEWOOD**N° 62****Brevet: EP 0 747 900****N° 62-1****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

17/03/2000 TGI Paris

Action au fond non sérieuse

Inédit

Brevet: EP 0 841 661**N° 62-2****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

17/03/2000 TGI Paris

Action au fond non sérieuse

Inédit

MGI COUTIER contre SOCIETE D'ETUDES ET DE REALISATIONS**N° 63****Brevet: FR 89 15281****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

21/03/2000 TGI Paris

Rejet, motif ?

Inédit

Action au fond**Accueil**

Fond, première instance

25/01/2002 TGI Paris

Accueil

Inédit

PORCHERET contre ARRIVE**N° 64****Brevet: FR ?****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

24/05/2000 TGI Rennes

Action fondée sur demande de brevet

PIBD 2000, n° 705, III, 433

IMGR contre GONDOLES SERVICES**N° 65****Brevet: FR 97 06712****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

09/06/2000 TGI Paris

Action au fond non sérieuse

Inédit

Action au fond**Rejet**

Fond, première instance

30/11/2001 TGI Paris

Rejet

PIBD 2002, n° 740, III, 180

DOUBLET contre RERO**N° 66****Brevet: FR 97 14863****Demande d'interdiction provisoire****Interdiction provisoire**

Interdiction provisoire, première instance

23/10/2000 TGI Paris

Interdiction provisoire

Inédit

Interdiction provisoire, appel

16/03/2001 Paris

Interdiction provisoire

Inédit

Action au fond**Accueil**

Fond, première instance

11/09/2002 TGI Paris

Accueil

Inédit

TECHNOGENIA contre ATELIERS JOSEPH MARY, BERNARD MARY**N° 67****Brevet: EP 0 229 575****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

15/11/2000 TGI Paris

Interdiction provisoire, appel

04/07/2001 Paris

Interdiction provisoire

Interdiction provisoire

Interdiction provisoire

PIBD 2001, n° 712, III, 21

Inédit

Action au fond

Fond, première instance

29/06/2004 TGI Paris

Accueil

Accueil

Inédit

L ACOUSTICS contre ADAMSON SYSTEMS ENGINEERING et LAGOONA**N° 68****Brevet: FR 88 02481****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

20/03/2001 TGI Paris

Rejet

Incompétence

Inédit

Action au fond

Fond, première instance

25/06/2002 TGI Paris

Rejet

Rejet

Inédit

NEW DEAL contre EOS MEDICA**N° 69****Brevet: ?****N° 69-1****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

22/03/2001 TGI Lyon

Rejet

Bref délai non respecté

Inédit

Brevet: ?**N° 69-2****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

22/03/2001 TGI Lyon

Rejet

Bref délai non respecté

Inédit

JOTUL FRANCE contre AXIS**N° 70****Brevet: FR 98 14175****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

03/05/2001 TGI Lyon

Interdiction provisoire

Action au fond non sérieuse

Inédit

Interdiction provisoire, appel

28/06/2001 Lyon

Interdiction provisoire

Inédit

Interdiction provisoire, cassation

20/05/2003 Cass. Com.

Interdiction provisoire

Inédit

IOMEGA contre ADVANCED MASS MEMORIES**N° 71****Brevet: EP 0 789 913****N° 71-1****Demande d'interdiction provisoire**

Interdiction provisoire, première instance

09/07/2001 TGI Paris

Interdiction provisoire

Action au fond non sérieuse

Inédit

Interdiction provisoire, appel

31/10/2001 Paris

Interdiction provisoire

Ann. propr. ind. 2002, 108

Brevet: EP 0 789 908**N° 71-2****Demande d'interdiction provisoire****Interdiction provisoire**

Interdiction provisoire, première instance

09/07/2001 TGI Paris

Action au fond non sérieuse

Inédit

Interdiction provisoire, appel

31/10/2001 Paris

Interdiction provisoire

Ann. propr. ind.2002, 108

Brevet: EP 0 789 909**N° 71-3****Demande d'interdiction provisoire****Interdiction provisoire**

Interdiction provisoire, première instance

09/07/2001 TGI Paris

Interdiction provisoire

Inédit

Interdiction provisoire, appel

31/10/2001 Paris

Interdiction provisoire

Ann. propr. ind.2002, 108

PHARMACIA et PHARMACIA AKTIEBOLAG contre PIERRE FABRE et ATP**N° 72****Brevet: EP 0 506 774****Demande d'interdiction provisoire****Constitution d'une garantie (défendeur)**

Interdiction provisoire, première instance

26/10/2001 TGI Paris

Constitution d'une garantie (défendeur)

Inédit

Interdiction provisoire, appel

15/02/2002 Paris

Constitution d'une garantie (défendeur)

PIBD 2002, n° 748, III, 363

SEB contre EUROMENAGE**N° 73****Brevet: EP 0 156 699****Demande d'interdiction provisoire****Rejet**

Interdiction provisoire, première instance

09/11/2001 TGI Paris

Bref délai non respecté

Inédit

Action au fond**Rejet**

Fond, première instance

22/04/2003 TGI Paris

Rejet

Inédit

SOMFY contre FRANCIAFLEX INDUSTRIES et FRANCIAFLEX LE BIHAN LE**N° 74****Brevet: FR 90 16462****Demande d'interdiction provisoire****Constitution d'une garantie (défendeur)**

Interdiction provisoire, première instance

08/02/2002 TGI Paris

Constitution d'une garantie (défendeur)

Inédit

SNAAM contre RJR EXTRUSION PROFILS PLASTIQUES**N° 75****Brevet: FR 86 11709****Demande d'interdiction provisoire****Interdiction provisoire**

Interdiction provisoire, première instance

19/03/2002 TGI Lille

Action au fond non sérieuse

Inédit

Interdiction provisoire, appel

30/09/2002 Douai

Interdiction provisoire

Inédit

SMCA contre SAT**N° 76****Brevet: FR 98 16384**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
26/03/2002 TGI Lille	Bref délai non respecté	Inédit

FILLON contre ATELIERS ELECTRIQUES ET METALLURGIQUES DU LOIRET**N° 77****Brevet: FR 83 18635**

Demande d'interdiction provisoire	Interdiction provisoire	
Interdiction provisoire, première instance		
02/04/2002 TGI Paris	Action au fond non sérieuse	Inédit
Interdiction provisoire, appel		
06/09/2002 Paris	Interdiction provisoire	Inédit

WIRQUIN PLASTIQUES contre SANITAIRE ACCESSOIRES SERVICES**N° 78****Brevet: FR 90 04204**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
21/05/2002 TGI Rennes	Action au fond non sérieuse	Inédit
Action au fond	Rejet	
Fond, première instance		
26/01/2004 TGI Rennes	Rejet	Inédit

EVYSIO MEDICAL DEVICES ULC contre GUIDANT EUROPE GUIDANT**N° 79****Brevet: EP 8 0 888 093**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
15/07/2002 TGI Paris	Action au fond non sérieuse	RD propr. int. 2003, n° 149, 20

AGA contre AIR LIQUIDE**N° 80****Brevet: EP 0 560 928**

Demande d'interdiction provisoire	Rejet	
Interdiction provisoire, première instance		
11/12/2002 TGI Paris	Action au fond non sérieuse	RD propr. int. 2003, n° 143, 23
Interdiction provisoire, appel		
05/09/2003 Paris	Bref délai non respecté	Inédit