International Patents Group

Patent and technology-related dispute resolution
Your challenge

Your inventions can be your most valuable assets. You may have made a substantial investment in developing a patent portfolio covering your inventions, or in protecting them as confidential information. You may also be relying on other intellectual property rights such as utility models and software copyright to protect other aspects of your inventions.

But do you have a strategy to enforce those rights?

In particular, where your patent disputes involve more than one country, how do you manage the application of a complex patchwork of national patent laws and procedural rules to a fluid global market for your products?

How do you keep control of costs and strategy so that you can make smart decisions which are right for your business?

Our response

Eversheds has a large group of specialist lawyers across Europe, dedicated to resolving patent and other technology-related disputes. From our offices in London and Munich, our team offers expert insight into these two important jurisdictions in Europe, and co-ordinates pan-European patent litigation, counselling and licensing using our network of other offices and best-friend firms.

Our day-to-day work includes:

- patent litigation in a wide range of technical fields before specialist national patents courts in Germany, the UK and other European jurisdictions;
- arbitration relating to patents or trade secrets;
- mediation and all other forms of alternative dispute resolution;
- strategic advice and management of multi-jurisdictional disputes;
- pre-litigation opinion work;
- border seizures and criminal proceedings;
- speedy relief, such as preliminary or interim injunctions;
- patent entitlement disputes;
- employee inventor compensation claims;
- anti-trust advice and strategy, including advice on issues arising out of technical standardization, interoperability testing, essential patents, patent pooling and FRAND licensing obligations.
We understand you

The team has lawyers with a range of science backgrounds (including team members with degrees in Chemistry, Physics, Biochemistry and Engineering). We know the importance of fully understanding your technology in order to provide you with the best service and advice. Where appropriate, we also work closely with our team of in-house European patent attorneys, who are educated to PhD level in a range of technical fields and can offer support to our litigation lawyers on technical issues.

Don’t be wise after the event...

Sometimes, disputes over inventions are unavoidable. However, much can be done in advance to minimize the risk of such disputes arising, with their related cost and distraction. We can help you to ensure that your inventions are generated in the framework of clear agreements governing ownership and rights of exploitation. We have particular experience in:

- drafting and negotiating complex technology licences, R&D collaboration agreements, materials transfer agreements, clinical trials agreements;
- preparing IP clauses for employment contracts;
- advising on IP- and technology-driven joint ventures and strategic alliances;
- providing transactional services, including patent due diligence and IP audits.

Where appropriate, we also work closely with our in-house team of European Patent Attorneys, based in our Munich office close to the European Patent Office. They can assist in the development of your patent filing strategy and can carry out patent prosecution and portfolio management for you.

How we resolve your disputes

We take a unique and comprehensive project management approach to patent disputes. We thoroughly scope a case at the outset and work with you to create a strategy for getting the best possible outcome.

Throughout the life of the dispute we constantly review this strategy to make sure that it’s still relevant. Established communication protocols ensure you know what’s going on and what we’re doing for you at all times.

The result is a cost and outcome that is far more predictable. Valuable management time is saved and business relationships can be preserved if that is one of your desired outcomes. In essence, you take control of the dispute and manage it on your terms.
At Eversheds, we recognise the need to present simple and effective solutions to complex issues. Enforcing patent rights across Europe can be daunting, as parallel cases in multiple jurisdictions need to be managed carefully to optimise outcomes and minimise costs. This is why our patents team includes lawyers who are experienced in project managing multi-jurisdictional patent cases and transactional IP deals. This service provides:

- a designated project manager, who will be your central point of contact for all cases/deals;
- regular case and costs updates enabling you to see the overall picture, so that you can make the decisions that make sense for your business;
- a commercial approach to resolving disputes, which avoids perpetual litigation.
Recent cases have focussed on the telecoms, pharmaceuticals, biotechnology, consumer electronics and automotive sectors, including:

- representing Vestel, one of the leading producers of TV sets in Europe, against allegations of patent infringement by patent pools and non-producing entities;
- representing Captron, a sensor producer, in a software copyright dispute in which our client succeeded in obtaining an ex parte preliminary injunction without disclosing its source code;
- advising Zipher in its long-running dispute with Markem relating to complex technology and software for bar-code thermal transfer printers. Our client had an outstanding success in the English Court of Appeal in the first phase of the case, which proved to be a landmark case in the UK for patent entitlement.

Our clients come from a wide range of industry sectors, and include names such as:

- AEG
- Vestel Electronics
- DuPont
- Hewlett-Packard
- Sepura plc
- The Kun Shoulder Rest, Inc.