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Poly Medicure gets Germany nod for 'safety IV Cannula'

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New Delhi: In its dispute over patents with B Braun Melsungen AG, the Rs 30,000-crore German medical technology giant, New Delhi-based manufacturer and supplier of medical devices firm, Poly Medicure, has got another shot in the arm, this time in the former's home turf Germany.

The regional court of Düsseldorf, Germany, has annulled the preliminary injunction issued to the B Braun in November 2009 against Polymed. This means the Indian firm is now free to sell the contentious product 'safety IV Cannula' in Germany. "Following opposition from Poly Medicure and its German distributors and after considering the case and the arguments exchanged between Poly Medicure and B Braun, the regional court, Düsseldorf, overturned its previous decision and annulled the granted preliminary injunction against Poly Medicure.

"By lifting the preliminary injunction, Poly Medicure and its distributors can sell the product in Germany," said a Polymed statement. In these preliminary injunctions, the German court had found that the attacked products infringed the German part of the European Patent 1 911 486.

"The B Braun Melsungen AG, which comprehensively asserts its intellectual property rights, reserves the right to appeal these judgments. Further, it reserves the right to start proceedings on the merits against Poly Medicure in order to obtain an injunction this way. The B Braun Melsungen AG is confident that the court

Shot in arms

- In these preliminary injunctions, the German Court had found that the attacked products infringed the German part of the European Patent 1 911 486 and had enjoined their marketing in Germany
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will injunct the marketing of the attacked products," a B Braun statement said. At home, Polymed has already scored multiple brownies in this case. B Braun had sued the Indian firm in the Delhi high court claiming infringement of its patent coverage.

In December, a multiple bench of the Delhi high court rejected the interim application filed by B Braun which sought to restrict Polymed from manufacturing and marketing its version of safety IV catheters. Earlier this year, B Braun's application for the grant of interim injunction was dismissed by judge Badar Durrez Ahmed, wherein the judge observed that a serious challenge to the validity of the patent was been raised by Poly Medicure, an observation that the division bench upheld. Further, he said that the contention of Polymed in respect of the dubious manner in which the subject patent was granted, required consideration.

“Polymed has spent time and energy in the making of this product. Winning them again, and that too in Germany, is a major boost to Polymed. In fact, it is a boost for any Indian company winning a legal...

case in a foreign land. It validates our claim that our product is unique and our R&D is capable of designing world-class products. This will boost Polymed’s market share of safety devices in the global market, which currently stands at over \$1 billion,” said Himanshu Baid, MD, Polymed.