

## Defending patent warning notices

**Have you received a warning notice due to a supposed violation of a patent? Is the patent holder demanding the provision of a cease-and-desist declaration, information regarding the extent of use of the technical protective right, information and payment of license damages, and the reimbursement of resulting warning notice costs? Is the patent holder demanding the destruction, recall, or the transfer of a product upon which supposedly his/her patent is based? Before you comply with the corresponding demands, you should seek the advice of an experienced (expert) attorney and obtain representation. Not every warning notice is legitimate, and even with legitimate warning notices, the demands being asserted go beyond the actually existing claims in many cases.**

### What we offer

We will check to determine whether the warning notice is essentially legitimate, whether the products being produced or sold by you are even patent-infringing goods, whether the cease-and-desist declaration demanded by the owner of a patent corresponds to the prohibited trade, and whether the compensatory damage claims being asserted, particularly the amount, actually exist. In doing so, we will work closely together with specialized patent attorneys on the technical protective area of the claimed patent for the technical evaluation of the facts of the case.

If the warning notice is legitimate, the risk of consequential claims being asserted, particularly contractual penalties to be paid, can be minimized by an intelligently formulated cease-and-desist declaration and the negotiation of reasonable grace periods.

If the warning notice is not legitimate, it can be defended against as quickly and efficiently as possible and – to the extent possible – resulting costs can be demanded from the opposing party.

We can represent you before all courts in Germany. Take advantage of our many years of experience in many patent law disputes and court proceedings.

### Scope of service

- Examination and evaluation of the technical and legal situation together with a specialized patent attorney
- Consulting with respect to the legal options and the strategic procedure in defending against the claims
- Out-of-court representation in warning notice proceedings
- Defense before all patent-related complaints and temporary injunctions in district and upper regional courts in Germany
- Defense of claims for the patent holder in the event of assertion of contractual penalties and contempt of court proceedings



## **Costs**

We normally offer our services to you calculated according to the time spent at a suitable hourly rate or according to the Attorneys Compensation Act (RVG). We believe that cost transparency and cost reliability form the basis of successful cooperation. We will be happy to provide you with an estimate of the expected costs and the cost risk before taking the job.