

/ Introduction to the Noerr Patent Group

Our expertise in patent litigation



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Noerr

/ Our Expertise (1/2)

We speak technology

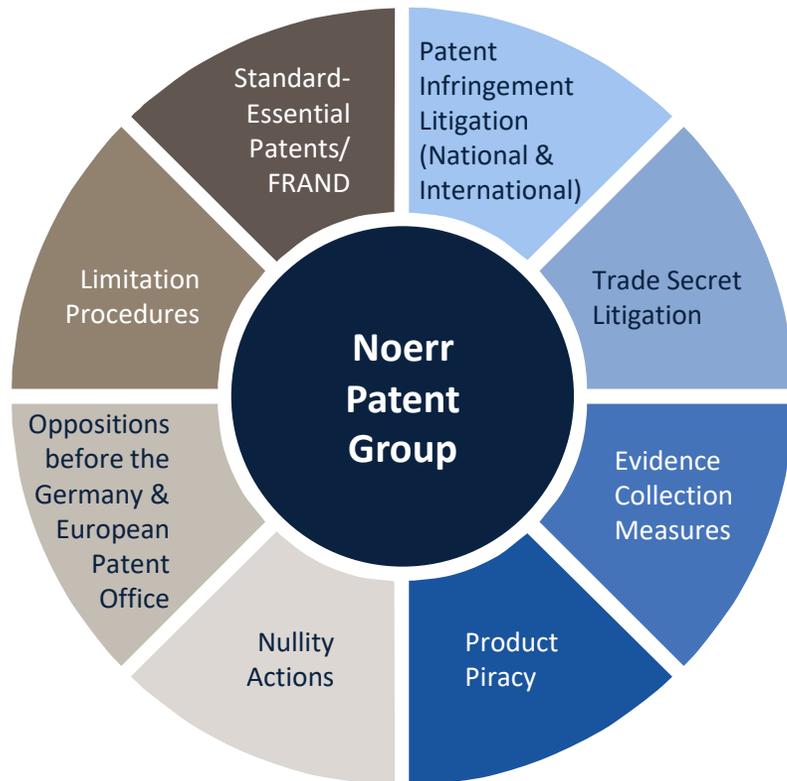
- The Noerr Patent team is an **outstanding team of patent litigation & licensing & trade secret experts**. We know that it is of paramount importance to understand our clients' technology in and out, whether for defensive, offensive or negotiation purposes.
- Our **legal experts** are highly experienced in handling complex German, European and international patent litigations. Our clients benefit from our **longstanding expertise and strategic know-how** in the procedural practice before the various German litigation courts and the European Patent Office. Our firm is usually **ranked as one of Europe's top law firms**, constantly receiving most prestigious awards.
- On a case-by-case basis, we work with external **technical experts**, covering **all technological fields**, in particular, electrical and mechanical engineering, chemistry, medical, pharmaceutical and biotechnology.
- We maintain an **impressive success rate in patent litigation** due to our thorough understanding of our clients' business needs and our level of diligence, expertise and passion.

/ Our Expertise (2/2)

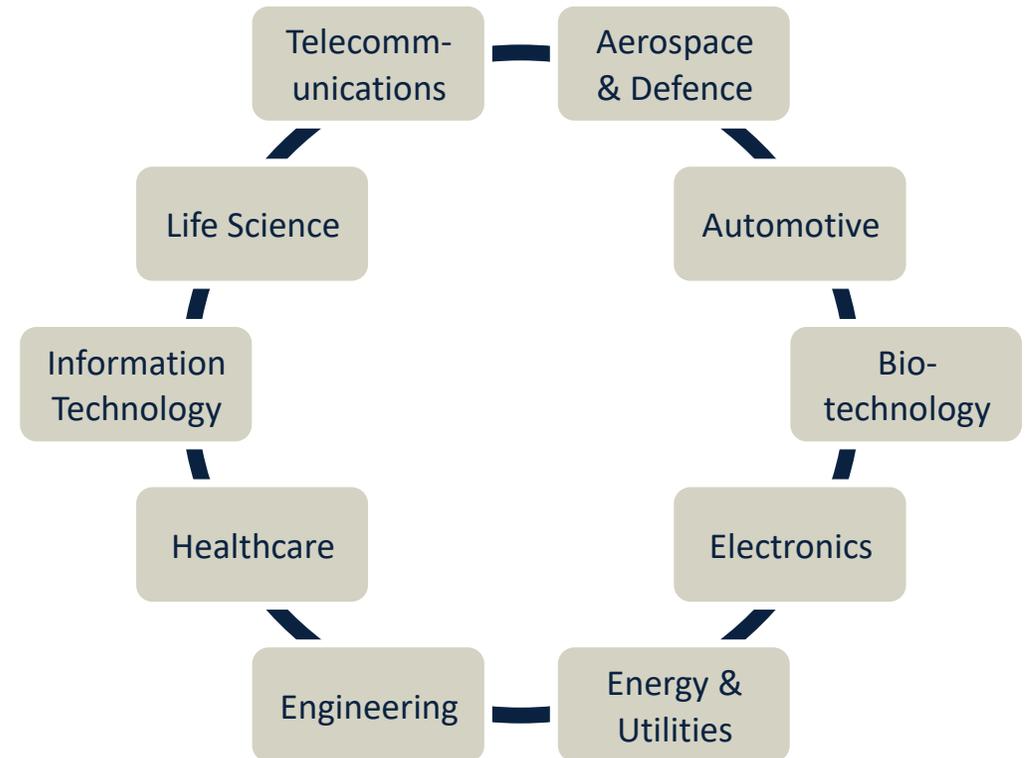
We speak technology

The Noerr Patent team provides **seamless patent litigation services around the globe.**

Our forensic advice covers the following in particular:

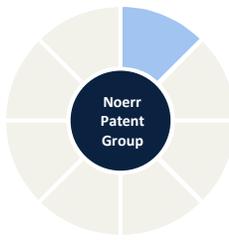


We service clients in all industry sectors, in particular:



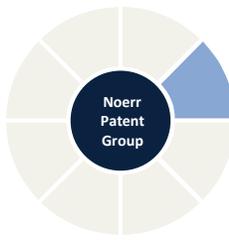
/ Patent Infringement Litigation

National & International



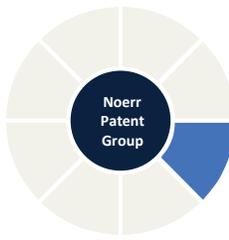
- The members of the Noerr Patent team are the trial lawyers of choice for many **renowned high-tech companies**. We regularly argue complex **patent, utility model and SPC** (Supplemental Protection Certificate) cases before **German patent courts**. We have longstanding experience in handling **international and multijurisdictional patent litigations** and we have established a reliable network of offices and “best-friend” law firms around the globe to ensure our clients’ goals are met at the highest level.
- Our clients’ business strategy is the **cornerstone of our litigation approach**. Whether our client finds itself as plaintiff or defendant, we will utilise litigation to client’s business advantage while keeping its priorities in place.
- German patent infringement courts are staffed with legal scholars (no technical judges). We are able to present the technological facts to the court in a **coherent, concise and clear** manner in order to familiarise the court with the subject matter of the patent and infringement product.
- We have one of the most prolific practices in **alternative dispute resolution**. Our clients benefit from our experience in handling litigations before various arbitration tribunals, including ICC and WIPO.
- Finally, we are pioneers in developing **financing and insurance models** for our clients, if it comes to patent infringement litigation.

/ Trade Secret Litigation

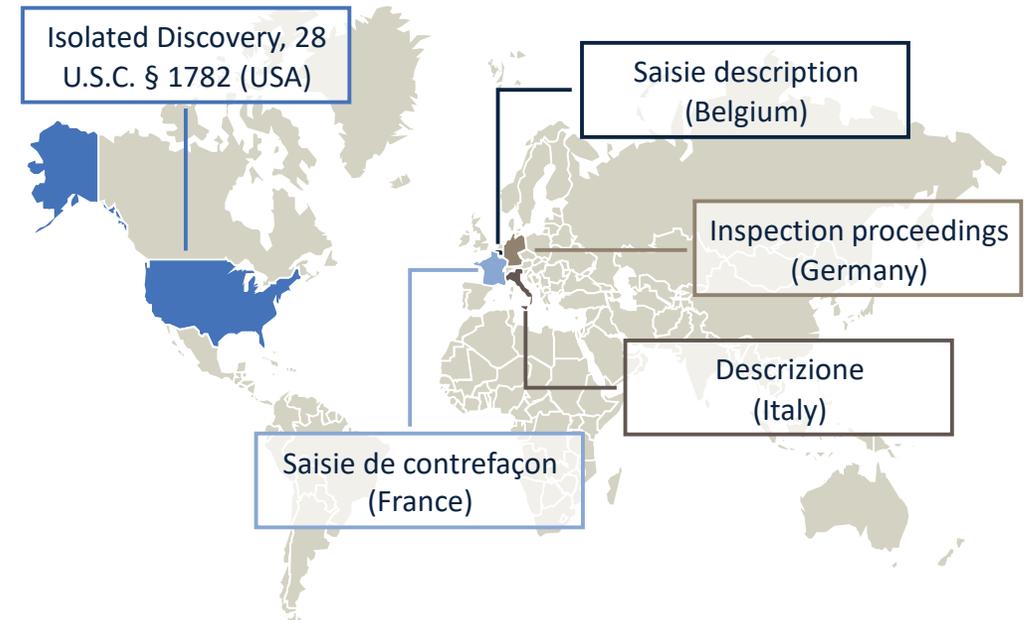


- With the new harmonized **Trade Secrets Act** now being in force in Germany since March 2019, the importance of this type of IP right increased significantly.
- The new German Trade Secrets Act implements Directive (EU) 2016/943 (TSD) on the protection of undisclosed know-how and business information. The Directive protects against the unlawful acquisition, use and disclosure of trade secrets and aims at creating a level playing field of trade secret protection throughout the European Union, granting a consistent minimum standard of protection.
- Trade Secret litigation should be now considered as integral part of the overall IP protection & enforcement strategy.
- Higher benchmark for qualification as “trade secret” under the new law: the owner of a trade secret has to apply “appropriate” measures to ensure non-disclosure of trade secrets and – in case of any dispute – prove that such measures have been in place in order to claim protection
- Very effective and streamlined enforcement mechanism, ensuring robust confidentiality of the information disclosed by the trade secret owner in litigation
- The Noerr Patent team handled some of the very first **landmark trade secret cases**.

/ Evidence Collection Measures



- Successful infringement proceedings require quick and complete collection of all available evidence. The Noerr Patent team provides **effective multi-jurisdictional actions** for collecting and securing evidence, **competent technical analysis** of infringing products, and comprehensive **coordination of investigations**.
- First and foremost, our technical experts are highly experienced in **conducting technical testing and analysis** of infringing products. We cooperate with a large number of specialized testing laboratories worldwide, covering virtually all areas of technology.
- German courts generally accept evidence collected in foreign jurisdictions.
- Last but not least, our clients benefit from our extensive and reliable network of investigation firms as well as of our offices in **Central and Eastern Europe (CEE)**. When the **origin** of the infringing products, their **distribution channels** and **supply chains** need to be unveiled, we are ready across the globe to investigate.
- Our legal experts orchestrate **worldwide evidence collection measures**, taking advantage of the various procedural means available in Germany and abroad, such as:



Product piracy is a **massive threat** for innovative companies, in particular due to loss of market shares and reputation. In many product piracy scenarios, “normal” patent litigation cannot meet our clients’ needs. We understand that an **instant and comprehensive cutback** of the infringing activities is the only commercially viable option.

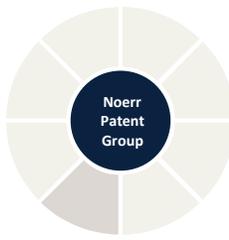
The Noerr Patent team has developed a **reliable tool box of complementary legal measures** to fight product piracy quickly and effectively:

Preliminary injunctions: in product piracy scenarios, German courts are willing to grant preliminary injunctions **also based on patent rights**, provided that the case is well-presented. Such court orders are issued within a few days, in very urgent cases even within a few hours.

Border seizures: German Customs authorities have adopted a very aggressive patent enforcement practice. In particular, Customs grant border seizures based on a **mere suspicion of patent infringement**. Successful border seizure proceedings lead to the **confiscation and even destruction of the infringing products** and therefore constitute a powerful means in the fight against product piracy. Our clients benefit from our long experience in handling Customs seizure matters and our well-established cooperation with the IP enforcement team of German Customs.

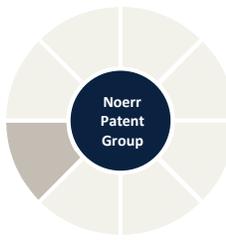
Trade fair raids: German law enforcement authorities and the major trade fair operators (Berlin, Frankfurt am Main, Hannover and Munich) jointly developed a **unique system of trade fair raids**. These enforcement raids are primarily based on criminal and/or customs law. The competent authorities are entitled to **seize infringing goods immediately**. Key to success are our diligent preparation of the raids and our cooperation with the competent officers and trade fair operators.

/ Nullity Actions



- Nullity actions are a unique remedy to challenge the validity of German patents or the German part of European patents. Only the Federal Patent Court in Munich is competent to handle these cases. This court is the only court with technically trained judges. All proceedings before the Federal Patent Court have a **strong focus on technical aspects**.
- A major number of nullity actions are counter attacks **related to pending infringement actions**; the patentee is then the party in two different legal proceedings. The particularity of this procedural situation requires highly experienced litigation lawyers and an utmost sophisticated setting of time lines and arguments in both cases.
- The **orchestration of all pending actions** is another key function of the Noerr Patent team: we ensure that all legal and technical statements are perfectly synchronized in order to achieve an optimal trial performance.
- We are also sensitive to the fact that statements and positions of the client in Europe must be consistent with its cases around the world. We work closely with our clients' other legal teams in foreign jurisdictions to ensure this.

/ Oppositions before the German & European Patent Office

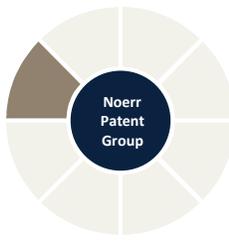


Oppositions are proceedings before the German or European Patent Office and must be filed within a certain time window after a patent is granted.

Oppositions can be considered as an inter partes extension of the examination proceedings before the German and European Patent Offices and can be used **as defensive as well as offensive proceedings.**

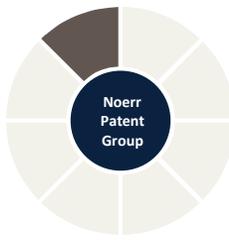
Oppositions are of high practical importance since they give a chance to circumvent the grant of a wrongfully granted new patent. Oppositions therefore are a **powerful instrument in global competition** and constitute an indispensable measure in every national and international patent strategy.

/ Limitation Procedures



- Limitation procedures offer the patentee the chance to limit its own – already granted – European or national patent.
- The patentee thereby avoids a limitation to or the loss of his patent in the course of a nullity proceeding and – ideally – fully precludes such proceeding and the often extensive costs.
- Thus, limitation procedures can be considered as defensive remedies of the patentee. They can constitute an **important component of a successful patent litigation strategy** and significantly decrease the financial burden of patent litigation.
- The limitation of a patent or a patent claim cannot be conducted by mere declaration of the patentee but requires a formal examination by the relevant patent office.

/ Standard-Essential Patents/FRAND



Senior members of our team litigate FRAND cases **since the beginning of** the entire SEP/FRAND discussion back in 2005. We constantly handle **SEP / FRAND cases** before all major German patent infringement courts.

We know the “playbook” both from the offensive and defensive perspective.

We developed robust **approaches how to establish FRAND royalty rates**. We calculate and formulate FRAND offers in close cooperation with our integrated **team of economists** and certified accountants (Noerr AG).

Litigations concerning standard-essential patents require seamless cooperation between patent lawyers and antitrust & competition law experts. Our antitrust & competition law team is among the **leaders in the market, having many years of experience** in dealing with standard-essential patents. Our **practice** thus offers integrated solutions at the interface of patent law and antitrust & competition law.

/ Your contacts



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/ Noerr stands for excellence and an entrepreneurial approach.

With highly experienced teams of strong characters, Noerr devises and implements solutions for the most complex and sophisticated legal challenges. United by a set of shared values, the firm's 500+ professionals are driven by one goal: our client's success.

Listed groups and multinational companies, large and medium-sized family businesses as well as financial institutions and international investors all call on the firm.

As one of the leading European law firms, Noerr is also internationally renowned with offices in ten countries and a global network of top-ranked “best friends” law firms. In addition, Noerr is the exclusive member firm in Germany for Lex Mundi, the world's leading network of independent law firms with in-depth experience in 100+ countries worldwide.



/ High-End Full Service

Companies & Transactions

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Corporate	Real Estate Investment Group
Employment & Pensions	Restructuring & Insolvency
Environmental, Social & Governance (ESG)	Tax
Family-owned Businesses & Private Clients	

Dispute Resolution

Arbitration	Intellectual Property
Class & Mass Action Defense	Liability & Insurance
Compliance & Investigations	Product Liability & Product Compliance
Corporate & Financial Litigation	<i>Financial Advisory</i>

Regulatory

Antitrust & Competition	Healthcare
Data Privacy	Insurance & Reinsurance
Energy	Regulatory & Governmental Affairs
Financial Services Regulation	Telecommunications
International Trade & Investment Controls	

Commercial

Automotive & New Mobility	IT & Outsourcing
Commerce & Trade	Media Law
Digital Business	

/ We embrace diversity

*Diversity is an integral part of our firm's strategy. Noerr signed the **Diversity Charter** back in 2012 and agreed to maintain an organisational culture that is shaped by respect and appreciation and is free of prejudice.*

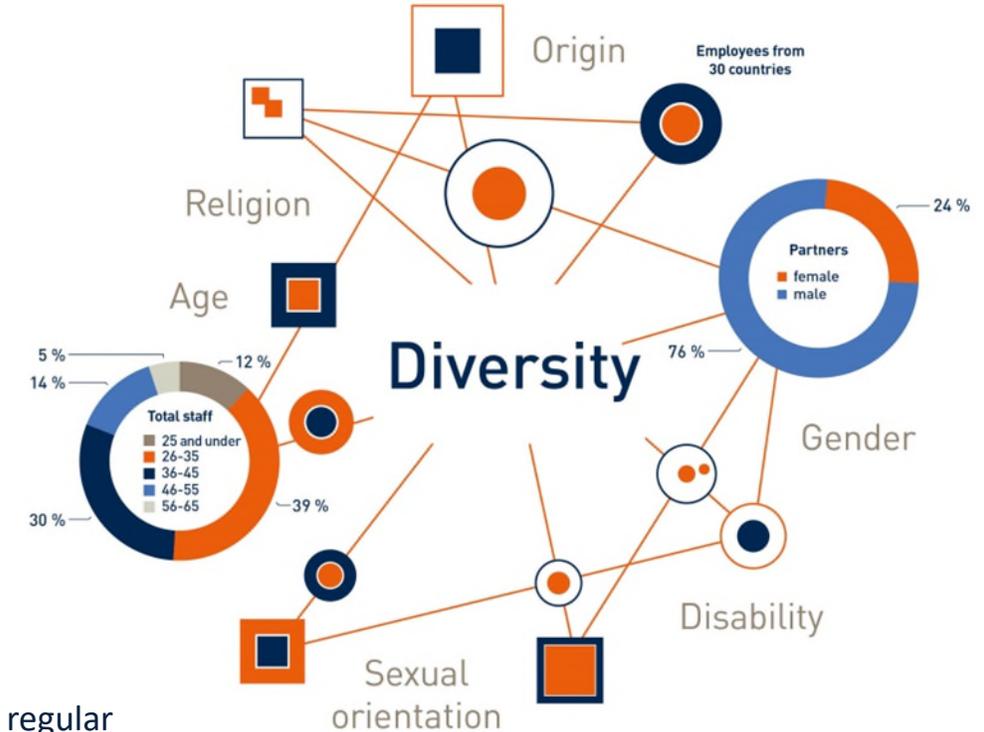
Equal opportunities go without saying for us, regardless of **age, disability, gender, origin, religion or sexual orientation**, and we are committed to maintaining a culture of openness, respect and trust.

Noerr profits from the diversity of its teams

- More than **1,100 people** from more than **30 nations** work in **15 offices** to safeguard our clients' interests.
- **Diverse teams** from different cultures and values understand our clients' needs and provide them with the best possible advice.
- The wide range of their personalities, experience and knowledge is a cornerstone of our success.

Noerr promotes open communication

- The **Diversity Committee** meets on a regular basis to discuss specifically how the issue of diversity can be promoted.
- In our **Diversity-Network** anyone at Noerr is welcome to discuss diversity issues and plan events.
- The **Her Network** as well as the **Her Executive Circle** specifically promotes exchange and networking among our female staff as well as external professionals.



We are also involved in the following networks/initiatives:

[International Bar Association LGBTI Law Committee](#)

[Beirat der PrOUT@Work Stiftung](#)

[RAHM Global LGBT & Leadership Community](#)

[Women into Leadership e.V.](#)

/ Social Responsibility at Noerr

ENTREPRENEURSHIP



Together with the DAX-listed groups Henkel and RWE among others, we founded the German Tech Entrepreneurship Center (GTEC, now GERMANTECH) in Berlin in 2015. Additional founding partners are the Siegmund Kiener Foundation and the Globumbus Foundation. GERMANTECH supports start-ups and consistently focuses on networking technology-based start-ups, international corporations, universities, accelerators, venture capital funds and business angels. Together, the participants aim to support innovative business founders in establishing companies with digital business models.

PRO BONO



As exclusive German member of Lex Mundi, the leading network of independent law firms, we provide free legal advice to “social entrepreneurs” in Germany on German law through the Lex Mundi Pro Bono Foundation



We are a member of Pro Bono Deutschland e.V., an association of law firms committed to the idea of providing free legal advice for good, especially charitable purposes. The association is committed to helping pro bono legal advice gain greater acceptance and proliferation in the legal profession in the long term.



We regularly advise German and international charitable organisations on a pro bono basis on German law. A prominent example is the Swedish Right Livelihood Award Foundation, also known as the “Alternative Nobel Prize”, which we have been providing comprehensive legal advice to for over a decade.

DISADVANTAGED CHILDREN AND YOUNG PEOPLE



With the "Noerr KinderCamp", a caravan holiday village built and financed by Noerr in 2011 in Thalgau on Lake Fuschl (Austria), we enable socially disadvantaged children and young people from Germany, Austria and Romania to enjoy carefree holidays with educational support. Since its foundation, more than 2,000 children have stayed at the Noerr KinderCamp.

/ Highlights



#5 German law firm by revenue: **€ 272 m**

(Juve, Noerr Research)



Dynamic development with **119 % revenue** growth in Germany since 2009

(Noerr Research)



6th largest independent continental European law firm

(The Lawyer European 100 ranking 2020)



#2 independent law firm in Europe

("Euro Elite Top 25" ranking Legal Business 2021)



#2 law firm Germany by number of listed lawyers

(Who's Who Legal 2021 Germany)

"A pillar among domestic German firms, with an excellent international outreach, Noerr continues its success streak spanning several years. Trusted by international investors and domestic giants alike, the firm boasts an impressive clientele of high-profile international and German companies alike."

Law Firm of the Year 2020

Chambers Europe Awards

/ Legal awards

Law Firm of the Year



Full Service



/ Offices

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