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Vad gör du om du får ett varningsbrev om patentintrång?

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Dagens presentatör



Malin Keijser Bergöö

Auktoriserat svenskt patentombud
European patent attorney
European Patent Litigator
30 års patenterfarenhet
PRV samt små och stora industriföretag
Patentombud sedan 2015

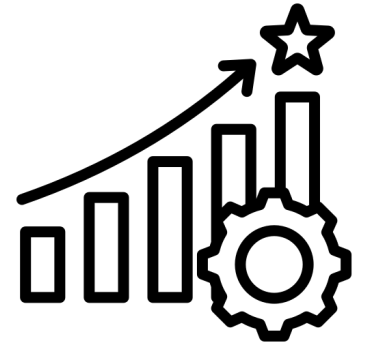
Har du verkligen fått ett varningsbrev?

- Skillnad mellan "varningsbrev" och "informationsbrev"
- Företag skickar ibland ut "informationsbrev" på vinst och förlust
- Avser brevet ett angivet intrång på enstaka patent, eller en lång lista?
- Innehåller brevet någon tidsfrist och/eller angiven sanktion?
- Vad är avsändaren för typ av företag? Googla!
- Ta hjälp om du är det minsta osäker!



Hantering av informationsbrev

- **Vanligt att brevet innehåller en lång opreciserad lista med patentnummer**
- **Ofta kan det första brevet ignoreras helt**
- **Om de inte ger sig, svara med begäran om precisering**
- **Ni behöver veta vilket/vilka patent de anser avser vilken produkt**
- **Ett sådant svar kan antingen skrämman bort dem eller trigga dem**



Hantering av varningsbrev

- **Om enstaka patent, börja med att leta reda på patenten**
- **Ta reda på legal status för patenten – i vilka länder är de i kraft?**
- **Försök tolka patentkraven – finns det något steg du uppenbart inte gör?**
- **Om det är självklart att det inte är ett intrång kan brevet ignoreras**
- **Ett tydligt svar med angivande av skäl kan också avsluta ärendet**
- **Ta hjälp om du är det minsta osäker!**



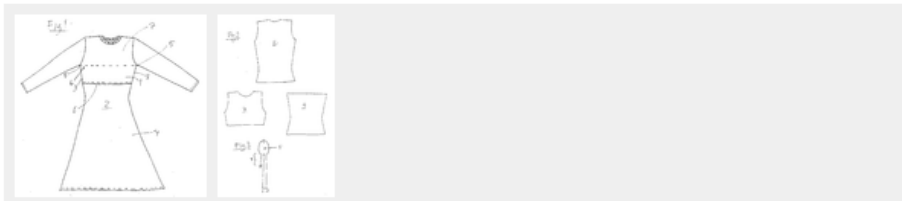
Hur tar du reda på legal status för ett patent?

- **Sök efter patentnumret i Google Patents (patents.google.com)**
- **Under *Worldwide applications* står det i vilka länder patent har sökts**
- **Ibland står status direkt, ibland får man klicka sig in i ett register**
- **Ett patent gäller aldrig längre än 20 år från ansökningsdagen!**
- **Exempel: EP1127499**



Kleidungstück


Images (2)




Classifications

■ [A41D1/215](#) Nursing clothing, e.g. for breastfeeding

Landscapes

Nursing 

Health & Medical Sciences 

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EP1127499A2

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Other languages: [English](#), [French](#)


Inventor: [Mia Seipel](#)

Current Assignee : [Boob AB](#)

Worldwide applications

2000 • [SE](#) 2001 • [EP](#) [DK](#) [BE](#) [AT](#) [ES](#) [PT](#) 2008 • [CY](#)

Application EP01850036A events 

- First worldwide family litigation filed 
- 2001-02-19 • Application filed by BOOB AB, Seipel Mia
- 2001-08-29 • Publication of EP1127499A2
- 2004-01-02 • Publication of EP1127499A3
- 2008-05-07 • Application granted
- 2008-05-07 • Publication of EP1127499B1
- 2008-07-28 • Priority to CY20081100778T
- 2021-02-19 • Anticipated expiration

Status • [Expired - Lifetime](#)

Info: [Patent citations \(4\)](#), [Non-patent citations \(4\)](#), [Cited by \(5\)](#), [Legal events](#), [Similar documents](#), [Priority and Related Applications](#)

External links: [Espacenet](#), [EPO GP](#), [EP Register](#), [Global Dossier](#), [Discuss](#)



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Include non-patent literature (Google Scholar)

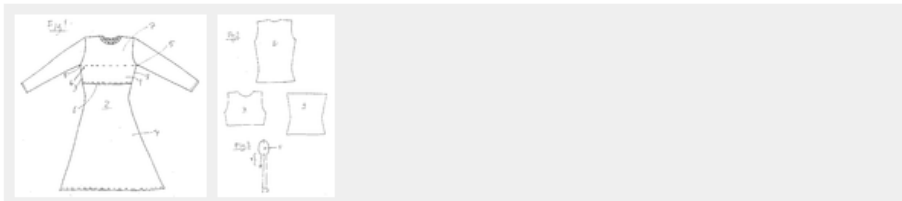
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Hur tar du fram giltiga patentkrav?

- **Sök efter patentnumret i Google Patents (patents.google.com)**
- **Ladda ner patentdokumentet för det land som är mest relevant**
- **Dubbelkolla att det nedladdade patentdokumentet har kod B eller C**
- **Patentdokument med kod A är bara publicerade ansökningar!**
- **Ta fram patentkraven (sist i dokumentet)**

Kleidungstück


Images (2)




Classifications

■ [A41D1/215](#) Nursing clothing, e.g. for breastfeeding

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Nursing 

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(21) Application number: 01850036.3

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(54) Garment
Kleidungsstück
Vêtement

(84) Designated Contracting States: AT BE CH CY DE DK ES FI FR GB GR IE IT LI LU MC NL PT SE TR

(30) Priority: 23.02.2000 SE 0000589

(43) Date of publication of application: 29.08.2001 Bulletin 2001/35

(73) Proprietor: Boob AB
118 20 Stockholm (SE)

(72) Inventor: Seipel, Mia
118 20 Stockholm (SE)

(74) Representative: Eriksson, Kjell
Norrtälje Patentbyrå AB,
P.O.B. 38
761 21 Norrtälje (SE)

(56) References cited:
FR-A- 2 670 993 GB-A- 2 246 947
US-A- 4 528 699 US-A- 4 663 782

• BROCHURES JAPANESE WEEKEND * tables
encl.1-9 *

Note: Within nine months from the publication of the mention of the grant of the European patent, any person may give notice to the European Patent Office of opposition to the European patent granted. Notice of opposition shall be filed in a written reasoned statement. It shall not be deemed to have been filed until the opposition fee has been paid. (Art. 99(1) European Patent Convention).

applied to the inside of any or both of the overlapping portions. Of course, it may be applied also on the outside if so desired. (Not shown.)

[0017] When breastfeeding, when the woman wears a garment according to the present invention, she pulls down the lower portion 4 underneath the nipple of the breast in question, opens up the breastfeeding bra and pushes the overlapping portion up so that the baby may reach the nipple of the breast to feed at the same time as the upper overlapping portion 7 remains over the breast in question and covers it. None of the portions of the overlapping portion is displaced at the breast not in question due to the elastic, tight-fitting material. In such a way the breasts are not exposed, neither the stomach nor the upper portion of the chest, as would be the case if a conventional jumper or blouse would have been used.

Claims

- 1. Garment, such as a jumper or dress, for facilitating breastfeeding comprising an overlapping opening (1), which is horizontally arranged in level with the bosom at the front (2) of the garment, which overlapping opening (1) is defined at the sides (3) by vertical seams, the overlapping opening (1) comprising an upper portion (7) with a lower edge (8), characterised in that the overlapping opening (1) comprises a lower portion (4), that the lower portion (4) has an upper edge (6), and that the garment or at least the overlapping opening (1) are tight-fitting and made of an elastic material for enabling breastfeeding while the breast in question is covered and for keeping the bosom warm.
2. Garment according to claim 1, wherein the lower portion (4) of the front (2) extends up to, substantially in level with, the armpits (5) of the garment and the upper portion (7) of the front (2) extends substantially down to underneath the bosom of the wearer.
3. Garment according to claim 2, wherein the upper portion (7) of the front (2) is overlapping on top of the lower portion (4) of the front (2).
4. Garment according to claim 1, 2 or 3, wherein the overlapping opening (1) is provided with at least one extra heat insulating layer.

Patentansprüche

- 1. Kleidungsstück, wie zum Beispiel ein Pullover oder ein Kleid, zum Erleichtern des Stillens mit einer überlappenden Öffnung (1), die horizontal in einer Höhe mit der Brust auf der Vorderseite (2) des Kleidungsstücks angeordnet ist, wobei die überlappende Öffnung (1) auf den Seiten (3) durch vertikale Nähte

gebildet wird, wobei die überlappende Öffnung (1) einen oberen Abschnitt (7) mit einer unteren Kante (8) aufweist, dadurch gekennzeichnet, daß die überlappende Öffnung (1) einen unteren Abschnitt (4) aufweist, daß der untere Abschnitt (4) eine obere Kante (6) aufweist und daß das Kleidungsstück oder zumindest die überlappende Öffnung (1) eng anliegend sind und aus einem elastischen Material hergestellt sind, um ein Stillen zu ermöglichen, während die entsprechende Brust bedeckt ist, und zum Warmhalten der Brust.

- 2. Kleidungsstück nach Anspruch 1, wobei sich der untere Abschnitt (4) der Vorderseite (2) hoch bis im wesentlichen in gleiche Höhe mit den Achseln (5) des Kleidungsstücks erstreckt und der obere Abschnitt (7) der Vorderseite (2) sich im wesentlichen hinunter bis unter die Brust der Trägerin erstreckt.
3. Kleidungsstück nach Anspruch 2, wobei der obere Abschnitt (7) der Vorderseite (2) über den unteren Abschnitt (4) der Vorderseite (2) überlappt.
4. Kleidungsstück nach Anspruch 1, 2 oder 3, wobei die überlappende Öffnung (1) mit mindestens einer zusätzlichen wärmeisolierenden Schicht versehen ist.

Revendications

- 1. Vêtement, tel qu'un chasuble ou une robe, permettant de mettre en évidence plus facilement la poitrine, comprenant une partie aérée recouverte (1), qui est agencée horizontalement au niveau des seins à l'avant (2) du vêtement, laquelle partie aérée recouverte (1) est définie sur les cotés (3) par des coutures verticales, la partie aérée recouverte (1) comprenant une partie supérieure (7) avec un bord inférieur (8), caractérisé en ce que la partie aérée recouverte (1) comprend une partie inférieure (4), en ce que la partie inférieure (4) présente un bord supérieur (6), et en ce que le vêtement et au moins la partie aérée recouverte (1) font l'objet d'un ajustage serré et sont réalisés dans une matière élastique permettant de mettre en évidence la poitrine, tandis que la poitrine en question est recouverte, et pour que les seins soient maintenus au chaud.
2. Vêtement selon la revendication 1, dans lequel la partie inférieure (4) de l'avant (2) s'étend vers le haut sensiblement au niveau des aisselles (5) du vêtement, et la partie supérieure (7) de l'avant (2) s'étend sensiblement vers le bas jusqu'en dessous des seins de l'utilisateur.
3. Vêtement selon la revendication 2, dans lequel la partie supérieure (7) de l'avant (2) recouvre le haut

Hur analyserar du ett patentkrav?

- **Patentkravet kan delas in i särdrag**
- **Det är bara intrång om man gör alla**
- **Det räcker med skillnad på ett särdrag**

- a { Garment, such as a jumper or dress, for facilitating breastfeeding
- b { comprising an overlapping opening (1), which is horizontally arranged in level with the bosom at the front (2) of the garment,
- c { which overlapping opening (1) is defined at the sides (3) by vertical seams,
- d { the overlapping opening (1) comprising an upper portion (7) with a lower edge (8),
- e { **characterised in that** the overlapping opening (1) comprises a lower portion (4),
- f { that the lower portion (4) has an upper edge (6), and
- g { that the garment or at least the overlapping opening (1) are tight-fitting and made of an elastic material for enabling breastfeeding while the breast in question is covered and for keeping the bosom warm

Hur analyserar du ett patentkrav?



Opening defined at sides by vertical seams, eftersom framstycket är fastsytt i sidorna

- a { Garment, such as a jumper or dress, for facilitating breastfeeding
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Hur analyserar du ett patentkrav?



Bilder från Sellpy

Inte intrång i särdrag c, eftersom framstycket inte är fastsytt i sidorna

- a { Garment, such as a jumper or dress, for facilitating breastfeeding
- b { comprising an overlapping opening (1), which is horizontally arranged in level with the bosom at the front (2) of the garment,
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- g { that the garment or at least the overlapping opening (1) are tight-fitting and made of an elastic material for enabling breastfeeding while the breast in question is covered and for keeping the bosom warm

Hur analyserar du ett patentkrav?

- **Dubbelkolla att patentdokumentet har kod B eller C**
- **Ta fram patentkraven (sist i dokumentet)**
- **Gå igenom ett särdrag i taget och jämför med produkten**
- **Det räcker med skillnad på ett särdrag**
- **Om du hittar ett särdrag som inte uppfylls är det troligen inget patentintrång**
- **Bedömningen är svår – ta hjälp om du är det minsta osäker!**

Key take-aways

- **Försök avgöra om det du fått är ett "varningsbrev" eller ett "informationsbrev"**
- **Om det är ett varningsbrev, ta reda på så mycket som möjligt om patentet**
- **Analysera patentkraven – finns det något steg du uppenbart inte gör?**
- **Svara alltid om det finns en tidsfrist och/eller en sanktion**
- **Bedömningen är svår – ta hjälp om du är det minsta osäker!**



TACK!

malin.keijser@barkerbrettell.se