

Steinhagen, Germany, June 16th, 2008

Plasmatreat prevails in patent infringement lawsuit against RAantec GmbH & Co. KG, Borgholzhausen, also at Court of Appeal as to European patent EP 0 761 415

The Dusseldorf Court of Appeal has confirmed the decision of the Dusseldorf District Court dated July 13, 2006 (file number 4b O 377/05) insofar as the plasma generator "PlasmaJet" distributed and offered by RAantec infringes EP 0 761 415.

The patent's main claim relates to a method where a directed plasma stream is generated in the form of an arc discharge. By means of the plasma stream the surface of workpieces is treated without transferring the arc discharge. Typically, the arc discharge is brought about with the aid of a high-frequency alternating voltage.

Due to this decision dated May 29, 2008 with the file number I-2 U 86/06 RAantec is enjoined from the distribution and sale of certain devices for the surface treatment of workpieces referred to as "PlasmaJet" in Germany. RAantec is liable for contributory infringement of the patent at issue because the device referred to as "PlasmaJet" is designated and suitable for performing the process protected by Plasmatreat. RAantec is ordered to injunctive relief, to the rendering of accounts and to pay damages.

The Dusseldorf Court of Appeal has not granted leave to appeal. RAantec can file a complaint against denial of leave to appeal until July 4, 2008; otherwise the decision becomes final and absolute. The judgment on appeal is enforceable without the obligation to provide security. Plasmatreat reserves the right to commence execution in due course.

The court has decided that RAantec is obliged to demand from consumers to sign a declaration to cease and desist. In this respect Plasmatreat would like to point to the fact that users of the "PlasmaJet" at issue are liable for patent infringement in case the protected method of treatment is performed.

The recent decision of the Dusseldorf Court of Appeal is in line with a majority of decisions which have affirmed Plasmatreat's intellectual property rights. In this regard Plasmatreat refers to the decision of the Dusseldorf District Court against Arcotec GmbH, Mönshheim which is currently pending at the appeal stage. In this patent infringement action the court of first instance followed Plasmatreat's motion. This does not only show the patent's high value, but also the enforceability of Plasmatreat's protected invention.