

MEDIA RELEASE

medmix Switzerland Ltd. continues to enforce its rights

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**medmix wins German patent infringement complaint
against Kettenbach/Xinial dental mixing system
Kettenbach/Xinial legally prevented from manufacture or offer for sale in Germany
Kettenbach/Xinial legally compelled to recall and destroy infringing system**

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*Patent infringing Kettenbach/Xinial dental mixing system: cartridge with mounted mixing tip
(for material sold under the trademarks PANASIL, IDENTIUM or FUTAR; with blue or red mixing tips)*

medmix has won a major victory in the German patent infringement litigation against the Kettenbach/Xinial dental mixing system. The Düsseldorf Higher Regional Court (OLG Düsseldorf) announced on February 1, 2024, in an appeal judgment, that the Kettenbach/Xinial dental mixing system infringes the German part of medmix' European Patent EP2485852B1 (docket no.: I-15 U 17/23). This judgment is a milestone in the patent dispute which started after the launch of the Kettenbach/Xinial dental mixing system in 2021.

German Injunction – Enforceable Now

The German patent infringement judgment rendered against Kettenbach GmbH & Co. KG and XINIAL Systems GmbH & Co. KG is provisionally enforceable now and provides for an immediate **injunction** prohibiting Kettenbach/Xinial **from manufacturing** in Germany the infringing dental mixing system (cartridges and mixing tips) and **from offering and selling** the infringing system in or from Germany.

Therefore, Kettenbach and Xinial are also unable to manufacture the infringing mixing system in Germany not only for local customers but also for export to international customers in other countries.

Recall, Audit, and Destruction of Infringing Dental System:

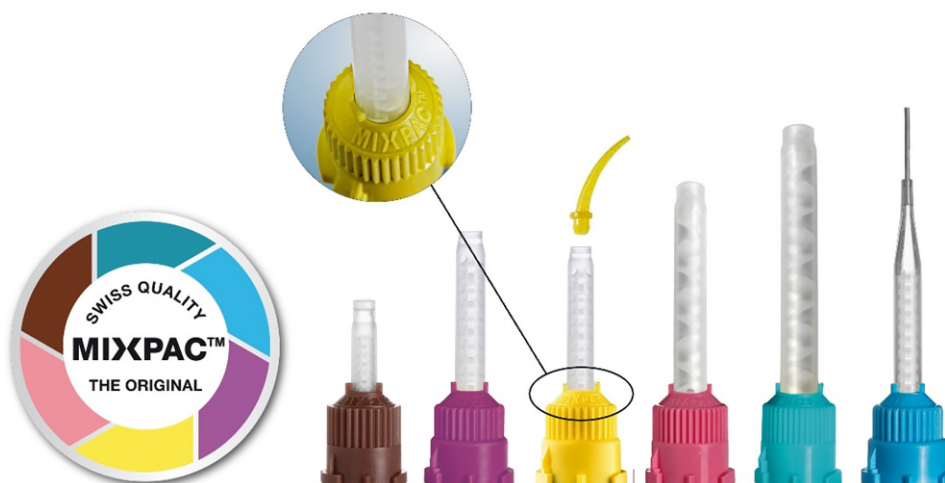
According to the German judgement announced on February 1st, Kettenbach/Xinial must also render a detailed accounting of the infringing acts, **must recall** the infringing dental mixing system from all of its German and international commercial customers, and Kettenbach/Xinial **must also destroy** these infringing products in their possession. The court further ordered Kettenbach/Xinial to pay damages for these infringements. An appeal on points of law was not permitted by the Düsseldorf court. However, Kettenbach/Xinial appealed by filing a complaint against denial by the Court of leave to appeal (“Nichtzulassungsbeschwerde”).

The validity of medmix’ European Patent EP2485852B1 was already confirmed to-date by the European Patent Office (EPO) in opposition and in appeal, and by judgment of the German Federal Patent Court (BPatG). The latter judgment is under appeal by Xinial.

US Case – Ongoing

medmix also filed a lawsuit in New York against the Kettenbach/Xinial dental mixing system. The New York case is expected to go to trial in early 2025 to address false advertising claims made by Kettenbach and trademark infringement committed by Kettenbach/Xinial. Xinial filed a separate invalidity case at the USPTO against medmix’s US patent. medmix has filed an appeal of the US invalidity case decision.

medmix Switzerland Ltd. operates globally in the field of static mixing tips, cartridges and dispensing devices for the dental sector. Genuine MIXPAC tips can be identified by the MIXPAC™ name stamped on the retaining ring and the CANDY COLOR Quality Seal.





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Photo: candy-color-label.jpg

Photo caption: mixing-tips-overview.jpg

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About medmix

medmix is a global leader in high-precision delivery devices. We occupy leading positions in the healthcare, consumer and industrial end-markets. Our customers benefit from a dedication to innovation and technological advancement that has resulted in over 900 active patents. Our 14 production sites worldwide together with our highly motivated and experienced team of around 2'700 employees provide our customers with uncompromising quality, proximity and agility. medmix is headquartered in Baar, Switzerland. Our shares are traded on the SIX Swiss Exchange (SIX: MEDX). www.medmix.swiss

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