

MEDIA RELEASE

February 19, 2024

medmix Switzerland Ltd. continues to enforce its rights

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**medmix wins German patent infringement complaint
against Kettenbach/Xinial dental mixing system**

medmix Switzerland Ltd. continues to enforce its rights



*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.

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 Xiniai are also unable to manufacture the infringing mixing system in Germany for local customers and also for export to customers in other countries.

Kettenbach/Xiniai must also render a detailed accounting of the infringing acts, **must recall** the infringing dental mixing system from its commercial customers and **must destroy** these infringing products. The court further ordered Kettenbach/Xiniai to pay damages for these infringements. An appeal on points of law was not permitted by the Düsseldorf court. However, Kettenbach/Xiniai could still appeal 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 Xiniai.

medmix also filed a lawsuit against the Kettenbach/Xiniai dental mixing system in New York alleging infringement by Kettenbach/Xiniai of MIXPAC's parallel US patent US 9,010,578, and also infringement of MIXPAC's "X" trademark and false advertising designed to confuse customers. The New York case is expected to go to trial in early 2025.

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.



Photo: candy-color-label.jpg

Photo caption: mixing-tips-overview.jpg

Photo credit: medmix Switzerland AG, reproduction free of charge

MIXPAC™, X™, T-MIXER™, CANDY COLORS™ are trademarks of medmix Switzerland AG
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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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