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## **MEDIA RELEASE**

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

**Legal prohibition impacting Kettenbach/Xinial customers further clarified**



*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 gained a major victory in the German patent infringement litigation against the Kettenbach/Xinial dental mixing system.**

The Kettenbach/Xinial dental mixing system has been found to infringe the German part of medmix' European Patent EP2485852B1 (docket no.: I-15 U 17/23) in an appeal judgment by the Higher Regional Court of Düsseldorf (OLG Düsseldorf) dated February 1, 2024. This judgment is a milestone in the patent dispute which started after the launch by Kettenbach/Xinial of its own dental mixing system in 2021.

Furthermore, medmix successfully took action against Kettenbach after Kettenbach had published statements in its own media release dated February 27, 2024 regarding the dispute with medmix, which medmix believes were misleading in terms of the consequences of the judgment for the customers of Kettenbach/Xinial:

Kettenbach signed a cease-and-desist declaration with a penalty clause on March 12, 2024. In this declaration, Kettenbach undertook, without acknowledging any legal obligation but nevertheless in a legally binding manner, to no longer claim (as in the media release of February 27, 2024) that international customers (i.e. customers outside Germany) are not affected by the patent infringement judgment of the Düsseldorf Higher Regional Court of February 1, 2024 (docket no. I 15 U 17/23) without mentioning that



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Kettenbach GmbH & Co. KG and XINIAL Systems GmbH & Co. KG, after this judgment,

- are **prohibited** from **manufacturing** the XINIAL cartridge systems in Germany;
- are **prohibited** from **offering** the XINIAL cartridge systems in Germany and from Germany to other countries;
- are **prohibited** from **placing on the market** the XINIAL cartridge systems from Germany to other countries (**no export**);
- are obliged to **recall** the XINIAL cartridge systems from their commercial customers in Germany and in other countries.

The above restrictions for Kettenbach and Xinal confirm medmix' understanding that the German patent infringement judgment has a major impact – not only for Germany, but also for international customers (outside Germany) of Kettenbach and Xinal. Kettenbach had previously only admitted in its own media release dated February 27, 2024 that they are not allowed to sell the XINIAL cartridge systems in Germany following the patent infringement judgment by the Düsseldorf Higher Regional Court.

An appeal on points of law was not permitted by the Düsseldorf Higher Regional Court against the patent infringement judgment of February 1, 2024. However, Kettenbach/Xinal 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 Xinal.

### US Cases – ongoing

medmix also filed a lawsuit in New York against the Kettenbach/Xinal 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/Xinal. Xinal filed a separate invalidity case at the USPTO against medmix' US patent no. 9,010,578 B2. medmix has filed an appeal from the February 21, 2024 US invalidity case decision.

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medmix Switzerland AG 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

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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](http://www.medmix.swiss)*

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