

Judicial Communications Office

Monday 4 July 2011

JUDGE RULES THAT SEAGATE HAS NOT INFRINGED PATENT

Summary of Judgment

Mr Justice Deeny, sitting today in the Chancery Division of the High Court in Belfast, found that Seagate Technology (Ireland) has not infringed a patent owned by Siemens AG in the manufacture of computer parts at its factor in Londonderry.

The action was brought by Siemens AG, the company that holds a European Patent which describes and protects a magnetoresistive sensor of potential importance in the operation of computers. Siemens claimed that parts of the wafers made by Seagate at its factory on the Springtown Industrial Estate outside Londonderry were in fact sensors and therefore infringed its patent. Siemens came to court seeking a declaration that their patent had been infringed. The company also sought an injunction to restrain Seagate from further manufacturing the alleged sensors and to deliver up any in its possession.

Mr Justice Deeny heard evidence from expert witnesses on behalf of both parties. He concluded that the sensors currently being manufactured by Seagate did not constitute a sensor within the proper construction of the patent. He said that the product being manufactured by Seagate was a component of a sensor and not a sensor itself. The Siemens patent therefore did not apply to the product and there was therefore no infringement of the patent.

Mr Justice Deeny was also asked to consider whether the patent is invalid because the inventive step it sought to protect would have been obvious to a skilled person at the time it was filed. He said that a decision on this point was not necessary if he was right in his conclusion that the patent had not been infringed. Mr Justice Deeny, however, said his provisional view was that Seagate were correct in submitting that the step taken by Siemens was one that would have been obvious to a skilled person with the knowledge they would have possessed at the time in question. He said that the development was in fact achieved by others soon after the patent was filed and he was therefore inclined to the view that an uninventive but skilled person would have got there soon afterwards. The judge concluded that the

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proper course for him to adopt in respect of this matter was to express a provisional view on the issue and not to reach a final view. He noted that if matter is appealed and the Court of Appeal takes a different view then he would hear further from the parties on the topic and take such steps as necessary to assist the Court of Appeal in reaching any further conclusion.

NOTES FOR EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Court Service website (www.courtsni.gov.uk).

ENDS

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