

Patent nullification proceedings of Avonisyss against Synova at the Swiss Federal Patent Court

Zug, 04.12.2019/PR

Avonisyss AG responded to earlier patent infringement proceedings lodged by Synova SA with the Swiss Federal Patent Court by filing a writ on June 5, 2018, requesting that Synova's infringement claim must be dismissed due to the absence of the patented technology of EP 1833636 B1 in Avonisyss' products. Moreover Avonisyss has lodged a counter-claim aiming at the nullification of the Swiss part of the patent in suit. In conjunction with this, Avonisyss has filed a second counter-claim against Synova, based on the Unfair Competition Act, in connection with allegations that Synova has made towards several of Avonisyss' customers and other commercial partners.

Avonisyss has so far refrained from making this matter public, but rather decided to patiently wait for the judgement of the competent court first. Primary reasons were to avoid market confusion and putting a competitor unnecessarily on the spot with information and discoveries that cast substantial doubt on the filing circumstances of the patent in suit. However, since Synova has recently issued a public communication in relation with the pending proceedings, Avonisyss now feels obliged to also publicly state its position in this matter.

While Synova claims the patent to be a core part of its technology, the patent neither relates to the principal laser/waterjet coupling itself nor does Avonisyss' technology require or implement the patented features. Furthermore, whilst Synova portrays itself as "sole inventor" as well as "owner of all rights" to waterjet laser technology, Avonisyss submits that 3rd party publications relating to waterjet guided lasers date back to more than a decade before the formation of Synova and are thus part of the public domain.

As a matter of fact, Avonisyss has identified various evidence to support the nullity of EP 1833636 B1. Above all, Avonisyss contends that the supposed invention had already been disclosed to the public years before the actual patent application through the widespread sale of systems already incorporating the patented features. On top of that, publicly available documents indicate the prior use of at least the core of the patented features long before the priority date of the patent in suit. Amongst others, a doctoral thesis of Mr. R. Cadavid at the Technische Universität Kaiserslautern, Germany, from 2001-2004 presents in-depth research about "cutting with fluidjets of small diameter" and means to increase and stabilize their

coherent length. The thesis was published and experimental results were known to the founder of Synova before the filing of EP 1833636 B1.

About Avonisyss

Avonisyss is an engineering and technology company based in Zug, Switzerland. It is specialized in laser micro-machining processes applying waterjet guided laser. It develops, builds and sells waterjet guided laser packages also branded as “Laser Micro Milling” technology and offers fully integrated Laser CNC machines together with established machine building partners. Following the market demand for a robust and easy-to-use waterjet guided laser technology, Avonisyss has developed and patented its technology and products by successfully addressing obvious shortcomings of the previously available waterjet guided laser systems. Market feedback confirms that customers appreciate Avonisyss’ robust technology performance and the possibility of having a choice between multiple suppliers. Around its core waterjet guided laser technology, Avonisyss holds over 20 patents and patents pending.

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