



Press release

BARDEHLE PAGENBERG successful for adidas in nullity proceedings against a patent which Nike asserted against the “adizero primeknit”-shoes.

On October 30, 2014 the Federal Patent Court (FPC) issued a decision to revoke the German part of the European patent EP 1 571 938 of Nike International Ltd. in its entirety (Case 2 Ni 45/12 (EP)). The patent relates to knitted sports shoes with an upper containing heat fusible yarns to stiffen certain areas of the upper.

The nullified patent was asserted by Nike International Ltd. in 2012 against the “adizero primeknit”-shoe of adidas AG in preliminary injunction proceedings at the Nürnberg-Fürth District Court (Case 3 O 6652/12). The Nürnberg-Fürth District Court in its decision of November 7, 2012 rejected the corresponding claims for injunctive relief and thereby ruled entirely in favour of adidas AG.

In response to the preliminary injunction request of Nike International Ltd., adidas AG filed a nullity complaint on October 17, 2012 at the FPC. After about two years and an oral hearing on June 26, 2014, the 2nd Senate of the FPC has decided in its sitting on October 30, 2014 to fully revoke the German part of the European patent EP 1 571 938 mainly based on lack of inventive step. Nike International Ltd. is allowed to file an appeal against the decision.

Representatives adidas AG:

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Representatives Nike International Ltd.:

Prinz und Partner: Dr. Bernhard Pfeleiderer, Jürgen Strass, Ute Feldmann (Patent Attorneys)

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BARDEHLE PAGENBERG combines the professional expert know-how of attorneys-at-law and patent attorneys, European patent attorneys, European trademark and design attorneys, technical advisors and qualified legal counsel. Hand-selected teams of patent attorneys and attorneys-at-law provide top-quality services tailored to the specific needs of the client and the characteristics of the case.

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