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Swiss Federal Supreme Court recognizes claims in patent infringement case regarding ventilation cockpits for Hamilton Medical AG against imtmedical AG

On March 23, 2017, Hamilton Medical AG ("Hamilton") filed a lawsuit against imtmedical AG, Buchs, Switzerland ("IMT") at the Federal Patent Court in St. Gallen, Switzerland. Hamilton alleged that IMT had infringed Hamilton's European Patent No. 1984805B1 regarding a device ("ventilation cockpit") for simplifying the diagnostic assessment of a mechanically ventilated patient. The claims made related primarily to the Dynamic Lung panel.

The Swiss Federal Patent Court's ruling of November 1, 2019 largely accepted Hamilton's injunctive and disclosure claims against IMT. The judgment includes a ventilator for mechanically ventilating a patient with ventilation air, comprising the following features:

- a screen,
- a sensor system for measuring the pressure, volume and flow of the ventilation air,
- a device controller,
wherein the device controller is designed, in combination with the sensor system, to detect at least the following three variable values during the mechanical ventilation of a patient:
 - the volume change of the ventilated lung at each breath,
 - the compliance of the lung,
 - the respiratory frequency,

and wherein the device controller is further adapted to display at least three detected values together on the screen in a single graphical element comprising at least one visual representation of a lung shape so as to display them,

- in that the change in volume of the ventilated lung detected with each breath is represented in animated fashion by a change in the size of the lung shape corresponding to this change in volume,
- a qualitative statement about the compliance of the lung is represented in animated fashion by a varying formation of a contour line of the lung shape, and
- the respiratory rate is represented in animated fashion by the change in the size of the lung shape associated with the respiratory rate.

On July 16, 2020, the Swiss Federal Supreme Court rejected the appeal brought by IMT and confirmed the aforesaid decision handed down by the Swiss Federal Patent Court on November 1, 2019. The decision of the Swiss Federal Supreme Court is final. Hamilton's claim for compensation against IMT forms part of the second stage of the ongoing legal dispute.

Hamilton reserves the right to take action against alleged third party infringers where appropriate and necessary.

Contact

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