

## Final success in Nanion's opposition against Molecular Devices patent –

**“Increased freedom to operate for everyone in automated patch  
clamping“**

**Munich, Germany, April 15<sup>th</sup>, 2010; Nanion Technologies GmbH (Nanion), a supplier of automated, parallel patch-clamp systems based in Munich, Germany, today announced that a Board of Appeal of the European Patent Office (EPO) has overturned an earlier decision of the Opposition Division to uphold patent EP 1,040,349 owned by Molecular Devices, Inc. (MDC).**

The disputed patent was originally filed by the Ecole Polytechnique Federale in Lausanne, Switzerland and then taken over by Cytion SA, a start-up company acquired by Molecular Devices in 2001 and shut down shortly after.

In its originally granted version, the patent claimed protection for all devices that can be used to move cells towards an aperture with electrical force. While all currently marketed automated patch clamp (APC) devices use suction rather than electrical force to position cells or vesicles, these devices –as well as devices published long before MDCs patent was filed- are, in principle, able to produce such electrical forces. Acknowledging this fact in their April 14 decision, the Board of Appeal of the EPO held that the granted apparatus claims are not allowable. The patent must now be amended to exclusively describe a positioning **method** using electrical fields produced by voltages in the range of -200 to +200 mV.

Niels Fertig, Nanion's founder and CEO stated: “After nearly eight years of opposition against this patent, we are pleased that the final instance of the EPA has removed a potential threat to further development in the field.“

Jan Behrends, Nanion's co-founder and chairman of the board concurs: “In effect, this final decision secures freedom to operate for everyone marketing or developing automated patch clamp devices with respect to the opposed patent. Besides, it contributes to a fair appraisal of important work done long before the patent.“

Andrea Brüggemann, Nanion's CSO, comments: “Our customers always knew that this dispute did not concern currently marketed Nanion products. However, this decision now finally removes even the remotest possibility of IP issues with current and future Nanion products with respect to the opposed patent.”

Nanion was advised and represented by Drs. Mathias Ricker and Christian Kirchner of the patent law firm Wallinger Ricker Schlotter Foerstl.

**About Nanion:**

Nanion Technologies GmbH is a German Private Limited Company and was founded in 2002 as a spin-off from the Center for Nanoscience (CeNS) of the University of Munich. Nanion's team has developed and globally established two highly successful automated patch clamp instruments as enabling tools for sophisticated and high throughput applications for ion channel research and drug discovery. Nanion's instruments use planar patch clamp chips which replace the traditional glass pipette used in the technique of patch clamping.

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