

PRESS RELEASE

18 May 2022

MAIN LAWSUIT BY CONCRETE CANVAS AGAINST EUROBENT DISMISSED

POLISH COURT CONFIRMS THAT TITLEX AND TILTEX PLUS DO NOT INFRINGE THE PATENT EP 2027319

We are proud to announce that after 4 years of court proceedings in which the essence of the dispute was examined in exceptional detail, on 9 May 2022. The Regional Court in Legnica dismissed all claims of Concrete Canvas Technology Ltd against Eurobent Sp. z o.o. in the lawsuit VI GC 184/18. This was Concrete Canvas' main court action based on the allegation that Tiltex and Tiltex Plus infringe Concrete Canvas' European patent EP 2027319 in the territory of Poland (a similar action concerning the same products in Germany had already been dismissed by an earlier final judgment of the Higher Regional Court of Düsseldorf). In connection with this action, Concrete Canvas obtained and enforced a preliminary injunction against Eurobent and published numerous press releases regarding a number of minor procedural events in an attempt to present a false picture of Eurobent losing in the courts.

By dismissing the claims based on the allegation of patent infringement, the judgment of 9 May 2022 fully legitimises Eurobent's position consistently presented during the proceedings that Tiltex and Tiltex Plus do not infringe Concrete Canvas' intellectual property, but are advanced products developed by Eurobent Sp. z o.o. in full compliance with the law, which can be legally manufactured in Poland, just as in other countries of the world.

The judgment is not final and may still be appealed to the court of second instance, but the assessment of the chances of overturning it in appeal proceedings must take into account the scope and depth of the original inquiries of the Court in Legnica, as well as the similarity of the Polish court's judgment to German judgments issued earlier in relation to the same patent and the same goods. In Eurobent's view, such chances are therefore slim.

Concrete canvas has been charged with the costs of the proceedings, amounting to approx. EUR 5,000. In addition, the judgment dismissing Concrete Canvas' claims, once final, will give rise to a claim by Eurobent for reimbursement of the costs of enforcement of the preliminary injunction in the form of a compulsory sum of approximately EUR 1,000,000 previously collected by Concrete Canvas.

This press release is based on the content of the judgment issued by the Regional Court in Legnica on 9 May 2022, while the written justification of this judgment, containing detailed findings of fact and legal reasoning of the Court, has not yet been published. Eurobent will provide additional information on the Court's material findings upon receipt of the written justification.