

**The Court of Venice
Section specialized in matters of
industrial and intellectual property**

Has issued the following

Decision

In the suit brought with writ of summons served on 18.02.2007

By

TOPP S.P.A., in the person of its legal representative *pro tempore*, with attorneys S. Verea, K. Muraro, M. Balestriero and M. Bosshard, and M. Franco of Venice by power of attorney in the margin of the writ of summons

- plaintiff -

vs.

NEKOS S.R.L., in the person of its legal representative *pro tempore*, with attorneys G. Dragotti of Milan and M. Romanato of Venice, by notarized power of attorney

- defendant -

and impleading also

GIULIANO GALLIAZZO, with attorneys A. Nardi of Vicenza and A. Sartori of Venice, by power of attorney at the end of the copy served of the writ of summons

- impleaded -

on the point: patent infringement – invalidity

FOR THESE REASONS

Definitively deciding on the above suit, any other demands, deductions and exceptions dismissed, provides as follows:

- 1 – rejects the demand of declaration of invalidity of the plaintiff's patents for invention cited;
- 2 – ascertains and declares that the manufacture and sale by the defendants of the actuators identified as "Kato", "Kato Radio" and "Kato Syncro" and, relative to the actuators, the four models GEZE EOL R230V; GEZE EOL 230V; GEZE EOL 24V; GEZE EOL K400 are infringements of the plaintiff's patents;
- 3 – prohibits the defendant from using, manufacturing, marketing and/or selling the infringing products listed in item 2;
- 4 – orders the defendant to withdraw from the market and destroy all the infringing products listed in item 2;
- 5 – orders a penalty of Euro 50.00 for every violation of the stipulations in items 3 and 4 subsequent to the publication of this decision;
- 6 – orders the defendant to pay the plaintiff as compensation for the damage the amount of Euro 2,400,680.84, plus interest at the legal rate from the date of the decision to that of payment;
- 7 – orders publication of this decision, in the part referring to these orders, by the plaintiff and at the expense of the defendant once, in twice the normal size characters, in the newspaper "Il Corriere delle Sera" and in the specialized magazine "Nuova Finestra";
- 8 – rejects the plaintiff's demands on the subject of unfair competition;
- 9 – condemns the defendant to pay the plaintiff's trial costs, calculated in the amount of Euro 1,656.00 before costs, Euro 8,327.91 for taxes and Euro 13,805.00 for legal fees, as well as payment of the general expenses, VAT and social security required by law;
- 10 – assigns the costs of the court technical consultants – patents and accounting – definitively for the account of the defendant;
- 11 – orders the office of the Registry to send a copy of this decision to the Italian Office of Patents and Trademarks.

Venice, 1.7.2011

The Reporting Judge

The President

Note by Topp spa:

In fairness, we must inform that this decision is not final and could still be appealed by Nekos srl.